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1825-26

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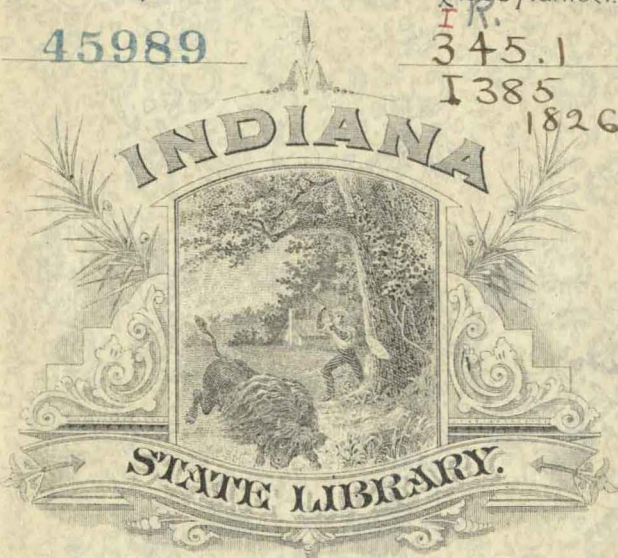
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1826.



February 24, 1908

Wm. A. Burrows, Ltd. 1908.

# **L A W S**

OF THE

**STATE OF INDIANA,**

PASSED AND PUBLISHED AT THE TENTH SESSION

OF THE

**GENERAL ASSEMBLY,**

HELD AT INDIANAPOLIS, ON THE FIRST MONDAY IN DECEMBER,  
ONE THOUSAND EIGHT HUNDRED AND TWENTY-FIVE.

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**BY AUTHORITY.**

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INDIANAPOLIS:

Douglass and Maguire, printers.

1826.

L A W S

OF THE

STATE OF INDIANA

PASSED AND PUBLISHED AT THE TENTH SESSION

OF THE

LEGISLATURE

HELD AT INDIANAPOLIS, ON THE FIRST MONDAY IN DECEMBER

ONE THOUSAND EIGHT HUNDRED AND TWENTY FIVE

BY AUTHORITY

INWITNESS

DOUGLAS M. HARRIS, CLERK

1825

L A W S

OF

THE STATE OF INDIANA.

### CHAPTER I.

An Act authorizing the surviving Administratrix of the estate of Harvey Heth, deceased, to sell and convey real estate.

[APPROVED—DECEMBER 31, 1825.]

WHEREAS, It has been represented to this General Assembly, by Rebecca Heth, surviving administratrix of her late husband, Harvey Heth, deceased, that she has fully administered the personal estate of the said decedent; and also, so much of the real property as by former acts of the legislature, she has been authorized to do; but that there still remain due and unpaid, very considerable debts of the estate, and there is no other than real property left, out of which they can be discharged: to prevent, therefore, the sacrifice that must be made if these debts are collected upon execution: Therefore,

*Be it enacted by the General Assembly of the State of Indiana,* That the said administratrix be, and she is hereby authorized to sell, from time to time, at public or private sale, so much of the real property belonging to the estate of the said decedent, as may be sufficient to pay and satisfy the debts aforesaid; and also, to make to the purchasers thereof, legal conveyances for the same; which shall be as good and available against the heirs, as if they had been made by the said Harvey Heth himself, in his life time; any law, usage or custom, to the contrary notwithstanding: *Provided however,* That previous to exercising any of the powers vested in said administratrix by the provisions of this act, she shall give bond, with additional security, in the sum of four thousand dollars, to be approved of by the associate judges of the county of Harrison, which bond shall be filed in the clerk's office of said county.

Adm'r shall have power to sell real estate.

Make deed therefor.

To give additional bond.

## CHAPTER II.

An Act to repeal an act, entitled "An act authorizing the Administrators of John H. Piatt, deceased, to sell certain lands therein mentioned."

[APPROVED—DECEMBER 15, 1825.]

WHEREAS, It has been represented to the General Assembly, that an act authorizing the administrators of the estate of John H. Piatt, to sell all the real estate of the deceased in the state of Indiana, will jeopardize the claims of the creditors of the estate of said Piatt: Therefore,

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That an act authorizing the administrators of the estate of John H. Piatt, to sell all the real estate of the deceased in the state of Indiana, approved, February 11, 1825, be, and the same is hereby repealed.

Repeal.

Saving as to orders and decrees made.

Saving as to sales effected, and costs.

SEC. 2. All orders whatsoever, made in any court of record in this state, relating to, or touching the sale of lands under the provisions of the act hereby repealed, are hereby rendered null and void, as though the same had never been made, and as though the act hereby repealed had never have been passed: *Provided*, that no sale, legally effected under the act hereby repealed, shall be in anywise vitiated by this act; and the costs incurred under the former act, shall be allowed by the court of probate.

This act to take effect, and be in force from and after its publication in the Indiana Palladium, or the Indiana Spectator, public newspapers printed in the town of Lawrenceburgh.

## CHAPTER III.

An Act appointing an Agent of the three per cent. fund.

[APPROVED—JANUARY 20, 1826.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That Benjamin I. Blythe be, and hereby is appointed agent for the state of Indiana, with full power and authority to draw from the treasury department of the United States, all the fund commonly called the three per cent. fund, which now is, or may hereafter be due to the state of Indiana, and which may have been, or shall hereafter be appropriated for opening and repairing roads, canals and public highways.

B. I. Blythe, appointed agent of 3 per cent. fund. His powers.

Agent to give bond.

SEC. 2. It shall be the duty of the said agent, to enter into bond, in the sum of twenty-five thousand dollars, with good security, to be approved of by the Governor, for the faithful discharge of his duty as agent aforesaid; which

bond shall be made payable to the state of Indiana, and be filed in the office of the secretary of state, for the use of any person who may be aggrieved by the act of said agent.

SEC. 3. That Christopher Harrison, the late agent of the three per cent. fund, shall pay over to Benjamin I. Blythe, agent as aforesaid, or to his order, all monies that are now in his possession, which belong to said fund, and shall settle up his agency with, and deliver over to the said Benjamin I. Blythe, agent as aforesaid, all books, papers and vouchers belonging, or in anywise appertaining to said agency, and take his receipt therefor, which shall be a sufficient voucher for the said Christopher Harrison for the amount of money so paid, and for the books, papers and vouchers so delivered to the agent as aforesaid.

SEC. 4. The said agent shall receive, as a compensation for his services, two per cent. for all monies by him received and paid out, as directed by law; and in case such agent may wish to resign, he may do so, by settling up all accounts with the Governor of the state; and it shall be the duty of the Governor, to appoint an agent to fill such vacancy until the next meeting of the General Assembly.

Compensation to agent.

## CHAPTER IV.

An Act for the Apportionment of Senators and Representatives to the General Assembly.

[APPROVED—JANUARY 19, 1826.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That for the purpose of electing Senators to the General Assembly of the state of Indiana, for the ensuing five years, the state be, and the same is hereby divided into districts as follows, to wit: The counties of Posey, Vanderburgh and Warrick, shall form one district; the counties of Spencer, Perry and Crawford, one district; the counties of Gibson, Pike and Dubois, one district; the counties of Knox, Daviess and Martin, one district; the counties of Vigo, Sullivan and Clay, one district; the counties of Monroe, Owen and Greene, one district; the counties of Parke, Putnam, Montgomery, Fountain, Vermillion, and all the country north of said three last mentioned counties, to the Indian boundary, one district; the county of Harrison, one district; the counties of Orange and Lawrence, one district; the county of Washington, one district; the counties of Clark and Floyd, one district; the counties of Jackson, Scott and Bartholomew, and the country west of Bartholomew to the east line of Monroe, one district; the counties

Apportionment of Senators.

of Jefferson and Jennings, one district; the counties of Switzerland and Ripley, one district; the county of Dearborn, one district, the county of Franklin, one district; the counties of Fayette and Union, one district; the county of Wayne, one district; the counties of Rush, Henry, Randolph and Allen, one district; the counties of Decatur, Shelby, Johnson and Morgan, one district; and the counties of Marion, Hendricks, Hamilton and Madison, and all the country north of the said three last named counties, to the Wabash river, one district; and each of the said districts shall be entitled to one Senator.

Apportionment of Representatives.

SEC. 2. That for the purpose of electing representatives to the General Assembly, for the ensuing five years, the state shall be divided as follows, to wit: The counties of Wayne and Dearborn, shall each be entitled to four representatives; the counties of Clark, Washington and Harrison, each to three representatives; the counties of Franklin, Switzerland, Jefferson, Orange and Knox, each to two representatives; the counties of Fayette and Union, each to one representative, and one additional representative, to be elected each year alternately, by one of the said last named counties, commencing in the said county of Fayette; the counties of Rush, Decatur, Ripley, Jennings, Marion, Jackson, Scott, Floyd, Crawford, Lawrence, Monroe, Gibson, Posey, Sullivan and Vigo, each to one representative; the counties of Vanderburgh and Warrick, to one representative; the counties of Spencer and Perry, to one representative; the counties of Pike and Dubois, to one representative; the counties of Daviess and Martin, to one representative; the counties of Greene and Owen, to one representative; the counties of Putnam and Clay, to one representative; the counties of Parke and Vermillion to one representative; the counties of Montgomery, Fountain, and all the country north of the said last named counties and north of Vermillion, to the Indian boundary, to one representative; the counties of Morgan, Hendricks, and all the country north of said last named county to the Wabash river, to one representative; the counties of Shelby and Johnson, to one representative; the counties of Randolph, Allen, and all the country lying north of Madison and Hamilton, to the river Wabash, which is not in this act attached to other districts, to one representative; the counties of Henry, Madison and Hamilton, to one representative; and the county of Bartholomew, and all the country lying west of the same and east of Monroe, to one representative.

## CHAPTER V.

An Act making General Appropriations for the year 1826.

[APPROVED—JANUARY 20, 1826.]

*Be it enacted by the General Assembly of the State of Indiana,* That there be appropriated for defraying the expenses of the present General Assembly, including pay to the members thereof, secretaries, clerks, door-keepers, stationary, fuel, printing, binding and distributing the laws and journals, and making marginal notes and index to the laws, together with all other expenses incident to the session aforesaid, the sum of ten thousand dollars: For the executive department, the sum of two thousand five hundred dollars: For the judiciary department, including prosecuting attorneys, seven thousand one hundred and fifty dollars: For the expenses of the penitentiary, together with the transportation of convicts to the same, the sum of five hundred dollars: For the agent of the state for the town of Indianapolis, one hundred dollars: For military expenses, one hundred dollars: For the payment of the public debt and interest thereon, the sum of five thousand two hundred and thirty dollars: For defraying the contingent expenses of the government for the year 1826, the sum of six hundred dollars; and for the payment of specific appropriations for said year, and which are not embraced in the preceding general appropriations, the sum of twenty-five hundred dollars.

Legislative.

Executive.

Penitentiary.

Indianapolis agency.

Public debt.

Contingent fund.

For payment of specific appropriations.

This act to be in force from and after its passage.

## CHAPTER VI.

An Act making Specific Appropriations for the year one thousand eight hundred and twenty-six.

[APPROVED—JANUARY 21, 1826.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the principal and assistant secretary of the Senate, and the principal and assistant clerk of the House of Representatives, shall severally be allowed the sum of three dollars and fifty cents per day; and the enrolling secretary of the Senate, and the enrolling clerk of the House of Representatives, the sum of three dollars and fifty cents per day, for each and every day they may have served as such, during the present session; the door-keeper of the Senate, and the door-keeper of the House of Representatives, the sum of two dollars and twenty-five cents per day, for each and every day they may have served as such, during the present session.

Secretaries of the Senate & clerks of the H. of R.

Door-keepers.

- T. Posey. That Thomas Posey be allowed the sum of thirty-seven dollars and sixty-five cents, for cash advanced to pay for stove pipe, and other repairs done to the court-house in Corydon, in eighteen hundred and twenty-two.
- D. C. Lane. That Daniel C. Lane be allowed the sum of one hundred dollars, for travelling to Vevay, Brookville and Vincennes, for the purpose of presenting for payment, the notes of the state bank and branches, at the places where they had been issued, to be credited on the judgment against said Lane in favour of the state of Indiana.
- T. Smith. That Thomas Smith be allowed seventeen dollars and fifty cents, for advertising sale of lots in Indianapolis in 1821.
- A. Richardson. That Abednego Richardson be allowed the sum of eleven dollars, for tobacco furnished the state prison, in the year eighteen hundred and twenty-two.
- J. Meek. That John Meek be allowed the sum of one dollar and fifty, for brush, brooms and tumblers, furnished for the use of the House the present session.
- J. D. Hay. That John D. Hay be allowed ten dollars and fifty cents, for attending the board of commissioners, as a member thereof, for the relief of such persons as had suffered by fire at Vincennes in 1814.
- B. I. Blythe. That B. I. Blythe be allowed the sum of one hundred and thirty-five dollars and fifty cents, for money paid out for advertising, and to hands assisting in laying out lots in the town of Indianapolis in 1825.
- B. I. Blythe. And to B. I. Blythe for laying out twenty out-lots and making plat thereof, forty dollars, and for stationary, two dollars twelve and a half cents.
- Neely, Smith and Wilson. That John J. Neely, James Smith and Walter Wilson, commissioners appointed to sell the seminary township in Gibson county, be allowed the sum of one hundred and fifty dollars, to be paid out of the fund arising out of the sales of the seminary township in Gibson county.
- W. H. Lilly. That William H. Lilly, auditor of public accounts, be allowed the sum of eighteen dollars, for office rent for the year eighteen hundred and twenty-five—also, the sum of twenty-four dollars and forty-four cents, for costs advanced by him, in the case of John M. Wilson and others, at the suit of William H. Lilly, auditor of public accounts, in the supreme court of this state, and for a table furnished for the use of the auditor's office.
- H. P. Coburn. That Henry P. Coburn, clerk of supreme court of this state, be allowed the sum of twenty dollars, for office rent for the year eighteen hundred and twenty-five.
- B. Sailors. That Benjamin Sailors be allowed the sum of fifty-one dollars and forty cents, for the fire wood furnished for the use of the present General Assembly.
- Ja's Slaughter. That James Slaughter be allowed the sum of ten dollars,

for services rendered in the reception of General Lafayette in this state.

That Gideon B. Hart, late collector of Bartholomew G. B. Hart. county, be allowed the sum of twenty-four dollars and fifty cents, for poll tax paid by him unto the treasurer of state, in the year eighteen hundred and twenty-two, for persons wrongfully listed for that year.

That Benjamin I. Blythe [*be allowed*] the sum of twelve B. I. Blythe. dollars, for office rent for six months of the year eighteen hundred and twenty-five.

That Robert M. Evans be allowed the sum of five dollars R. M. Evans. and twelve and a half cents, for postage advanced and paid by him, on letters and election returns directed to him, as Speaker of the House of Representatives, during the present session.

That Thomas H. Clark be allowed the sum of four dol- T. Clark. lars, for a wolf scalp certificate, received by him in payment of state taxes in the county of Vigo, for the year 1819, whilst collector for that county.

That Alexander W. Russell be allowed the sum of thirty- A. W. Russell. one dollars and fifty cents, for attending as sheriff, twenty-one days, at the May term of the supreme court, and thirty-seven dollars and fifty cents, for attending twenty-five days at the November term of said court, for the year 1825.

That two hundred dollars be allowed to the Governor of Governor's this state, for house rent for the year 1826. house rent.

That Samuel Merrill, treasurer of state, be allowed \$20, S. Merrill. for office rent for the year 1825, \$8 00 for postage for the same year, and \$9 00 for counterfeit money received by him, and lost, since he has been in office.

That the Auditor be instructed to audit, and the treasurer J. B. Ray. er to pay to James B. Ray, for his services from the first Monday in August last, to the third day of the session of the present General Assembly, the sum of \$352 80 cents, to be paid out of any monies in the treasury appropriated to defray the expenses of the executive department for the year 1825.

That John R. Montgomery, late collector of Gibson coun- J. R. Montgo- ty, be allowed ninety-four dollars and fifty cents; said sum mery. being for monies erroneously paid into the state treasury, by said collector, in the year 1823.

That Douglass and Maguire be allowed one hundred and Douglass and Maguire. forty-two dollars sixteen cents, for stationary and sundries furnished the present General Assembly.

That Samuel Sloan be allowed one dollar, thirty-nine S. Sloane. cents, for glazing done by order of the Senate.

That Andrew S. Babbitt, sergeant-at-arms, be allowed A S. Babbitt. three dollars fifty cents per day, for his services at the present session.

That Alexander W. Russell be allowed two dollars fifty A. W. Russell.

cents per day, for his services as assistant sergeant-at-arms, during the trial of N. W. Marks.

W. W. Wick. That W. W. Wick, secretary of state, be allowed five dollars eighty-seven and a half cents, for certain repairs done to the state-house, for which he is liable.

Paxton and Bates. That Paxton and Bates be allowed four dollars, for iron and sundries furnished for repairs done to the state-house.

J. E. Baker. That John E. Baker be allowed five dollars ten and a half cents, for work done on the state-house.

J. Smock. That John Smock be allowed twenty dollars, for furnishing fuel, and attendance on the supreme court at their November term, 1825.

Blake and Wick. That Messrs. Blake and Wick be allowed forty dollars, for services rendered as counsel on the trial of N. W. Marks.

Thompson, Veeder and Test. That Robert Thompson, Charles Test and Charles H. Veeder be allowed seven dollars each, for seven days attendance, including mileage, as witnesses on the trial of N. W. Marks, sheriff of Rush county.

Witnesses on Cooper's trial. That the following witnesses, summoned by, and attending on the part of the state, on the trial of Isaiah Cooper, a J. P. of Owen county, be allowed one dollar for every day's attendance, at the rate of one dollar for every twenty-five miles travel, to and from the place of trial, to wit: That Montgomery Alhson, John Johnson, John W. List, Thomas F. G. Adams, David Johnson, George Mayfield and Isaac Heaton, be allowed for two days attendance and fifty-four miles travel each, in going to, and the same in returning from the place of trial: That Asa Brown and John Cradock be allowed for two days attendance, and fifty miles each in going, and the same in returning from the place of trial: To Jesse Evans two days attendance, and forty-six miles in going to, and the same in returning from the place of trial: To Samuel Jackson two days attendance, and for sixty-six miles travel in going to, and the same in returning from the place of trial: To Samuel Howe two days attendance, and fifty-one miles travel in going to, and the same in returning from the place of trial: To Philip Hedges two days attendance, and 72 miles travel in going to, and the same in returning from said trial.

Witnesses in Campbell's case. That the same allowance be made to the following witnesses, summoned and attending on the part of the state, vs. Adlai Campbell, J. P. of Orange county.

To William Hoggatt two days attendance, and one hundred miles travel, for going to, and the same for returning from said trial: To Samuel Cobb two days attendance, and 107 miles travel, for going to, and the same for returning from said trial: To Charles Sage two days attendance, and 108 miles travel in going to, and returning from said trial: To Henry Dougherty two days attendance, and 105 miles travel in going to, and the same in returning from said trial:

To Abraham Osburn two days attendance, and 104 1-2 miles travel in going to, and the same in returning from said trial: To John Dougherty two days attendance, and 104 miles travel in going to, and the same in returning from said trial: To John Bush two days attendance, and 106 miles travel in going to, and the same in returning from said trial: To Michael Chase two days attendance, and 105 miles travel in going to, and the same in returning from said trial.

That Oliver H. Smith be allowed forty dollars, for his services as an attorney on the part of the state, at the last May and November terms of the supreme court.

That Shadrick Penn, editor of the Louisville Public Advertiser, be allowed thirty-four dollars, for printing, done by order of the commissioners appointed to lay off a town on the site selected for the permanent seat of government; to be paid out of the Indianapolis fund.

That John T. Orton, a witness in behalf of Adlai Campbell, be allowed two days attendance, and 108 miles travel in going to, and the same for returning from said trial.

That Adlai Campbell, junior, a witness in behalf of said Adlai, be allowed two days attendance, and 106 miles travel in going to, and the same in returning from said trial.

## CHAPTER VII.

An act to amend an act, entitled "An act relative to county boundaries?" Approved, January 21, 1824.

[APPROVED—JANUARY 16, 1826.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That all that district of country, enclosed within the following boundaries, shall form and constitute the the county of Union, to wit: Beginning at the south west corner of section thirty-six, in township 13, range 13 east of the second principal meridian; thence east with the section line, to the south east corner of section 13, town 10, in range one west, of the first principal meridian, being the line dividing the states of Ohio and Indiana; thence north, to the north-east corner of section 12, in township 12, of range one west of the first principal meridian; thence west, with the section line, to the north-west corner of section 25, in township 15, in range 13 east of the 2d principal meridian; and thence south to the place of beginning.

SEC. 2. That all that district of country lying north of a line drawn from the south-east corner of section 33, in township 13, in range 13 east of the second principal meridian;

Boundaries of Union county

Fayette enlarged.

thence running east to the south-east corner of section 35, in township 13, range 13 east of the second principal meridian, be, and the same is hereby attached to, and made a part of the county of Fayette.

This act not to affect the prosecution of suits, &c. commenced, taxes, &c.

Sec. 3. That all suits, pleas, complaints, actions and proceedings, now pending in any part of the said territory hereby attached to, and made a part of the said counties of Union and Fayette, shall be prosecuted to final effect, and all taxes now assessed, shall be collected and paid over, in the same manner as if this act had not been passed.

### CHAPTER VIII.

An Act attaching a part of Pike county to the county of Warrick.

[APPROVED—JANUARY 20, 1826.]

Boundaries of Warrick enlarged.

Thirty-fourth regiment enlarged.

Reservation as to suits &c.

Reservation as to revenue.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That all that part of the county of Pike included within the following boundaries, viz: beginning at the south-east corner of Pike county; thence running north two miles; thence west, twelve miles; thence north, one mile; thence west, to Gibson county; thence south, to Warrick county; thence east, to the place of beginning, shall hereafter constitute and form a part of the county of Warrick, as fully to all intents and purposes, as if the foregoing boundaries had been originally included in the boundaries of the said county of Warrick. And all persons who now are, or hereafter may be subject to do militia duty, within that part of Pike county, which is by this act attached to the county of Warrick, are hereby added to, and shall form a part of the thirty-fourth regiment.

SEC. 2. All complaints, pleas, suits, causes of action and prosecutions, of what kind and nature soever, existing at the time of the publication of this act, shall be continued and carried on to final judgment and execution, as if this act had not been passed: *Provided however,* That nothing in this act contained, shall in any manner change or affect the assessment and collection of the state and county revenue, for the term of four years from and after the passage of this act, and the same shall be paid over by the proper officer or officers, in the same manner as if this act had not been passed.

To be in force from and after its passage.

### CHAPTER IX.

An Act for the formation of a new county out of the counties of Montgomery and Wabash.

[APPROVED—DECEMBER 30, 1825.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That from and after the first day of April next, all that tract of country included within the following boundaries, shall form and constitute a new county, to be known and designated by the name of the county of Fountain, to wit: beginning where the line dividing townships seven-  
Name and boundaries.

teen and eighteen crosses the channel of the Wabash river; thence east to the line running through the centre of range six, west of the second principal meridian; thence north to where the said line strikes the main channel of the Wabash river; thence running down with the meanderings of said river, to the place of beginning.

SEC. 2. The said new county of Fountain, shall from, and after the said first day of April next, enjoy all the rights, privileges and jurisdictions, which to separate and independent counties do, or may properly belong or appertain.

SEC. 3. That Lucius H. Scott, of Parke county, William Clark, of Vigo county, Daniel C. Hults, of Hendricks county, Daniel Sigler, of Putnam county, and John Porter, of Vermillion county, be, and they are hereby appointed commissioners agreeably to the act entitled "An act for fixing the seats of justice in all new counties hereafter to be laid off." The said commissioners shall meet at the house of William White, in the said county of Fountain, on the first Monday in May next, and shall immediately proceed to discharge the duties assigned them by law. It is hereby made the duty of the sheriff of Parke county, to notify said commissioners, either in person or in writing, of their appointment, on or before the third Monday in April next; and for such service, he shall receive such compensation out of the county of Fountain, as the board of justices thereof may deem just and reasonable, to be allowed and paid as other county claims are paid.

Commissioners appointed. Their duties.

SEC. 4. The board of justices of said new county, shall, within twelve months after the location of the permanent seat of justice therein, proceed to erect the necessary public buildings.

SEC. 5. That all suits, pleas, complaints, actions, prosecutions and proceedings, heretofore commenced and pending within the limits of the said county of Fountain, shall be prosecuted to final issue, in the same manner, and the state and county taxes which may be due on the first day of April next within the bounds of said county of Fountain, shall be collected and paid, in the same manner, and by the same officers as if this act had not been passed.

Saving as to suits & taxes.

**Justices of the peace to be elected.**  
**Their duty.**  
**Courts where to meet.**  
**Jurisdiction extended.**

SEC. 6. At the time and place of electing the county officers for the county of Fountain, under the writ of election from the executive department, the electors of said county shall elect five justices of the peace in and for said county, who shall meet, as a board, at the House of Robert Hatfield, in said county, on the first Monday in May next, or as soon thereafter as they may be enabled to do after being commissioned, and then and there proceed to transact all the business, and discharge the duties heretofore devolving on county commissioners at the organization of a new county, as well as all the duties required of boards of justices at such sessions. The circuit and other courts of the said county of Fountain, shall meet and be holden at the house of the said Robert Hatfield, until more suitable accommodations can be had at some other place in said county.

SEC. 7. All that part of the county of Wabash lying north and west of the said county of Fountain, shall be, and hereby is attached to the said county for the purpose of civil and criminal jurisdiction.

This act to take effect, and be in force from and after its publication in the Indiana Journal.

## CHAPTER X.

An Act for the formation of the county of Tippecanoe.

APPROVED—JANUARY 20, 1826.]

**Boundaries of Tippecanoe county.**

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That from and after the first day of March next, all that part of the county of Wabash, contained in the following boundaries, to wit: beginning at the north east corner of the county of Montgomery, on the township line dividing ranges two, and three west of the second principal meridian; thence north twenty-four miles; thence west, twenty-one miles; thence south twenty-four miles; thence east twenty-one miles, with the north line of Montgomery county, to the place of beginning, shall constitute and form a new county, to be known and designated by the name of Tippecanoe.

**Commissioners appointed to fix the seat of justice.**

SEC. 2. That Ebenezer Paddocks, of Vigo county, Thomas I. Matlock, of Hendricks county, Samuel Milroy, of Washington county, John Benefield, of Sullivan county, and James Blair, of Wayne county, be, and they are hereby appointed commissioners, for the purpose of fixing the permanent seat of justice of said new county, agreeably to the provisions of an act entitled "an act for fixing the seats of justice in all new counties hereafter to be laid off." The

commissioners above named, or a majority of them shall convene at the house of James Brockman, in said new county, on the first Monday in May next, and proceed to discharge the duties assigned them by law.

SEC. 3. That the said new county of Tippecanoe, shall enjoy the rights and jurisdiction, which to a separate county do or may properly belong.

SEC. 4. It shall be the duty of the sheriff of Montgomery county, to notify the commissioners above named, either in person or by written notification, of their said appointment, on or before the tenth day of April next; and the board of justices of the county of Tippecanoe, shall allow him a reasonable compensation for his services, out of any monies in the treasury of said county.

SEC. 5. The circuit and other courts of the county of Tippecanoe, shall be held at the house of James Brockman, or at any other place the courts may adjourn to in said county, until suitable accommodations can be had at the county seat; and as soon as the courts of said county are satisfied that suitable accommodations can be had at the county seat, they shall adjourn their courts to the place fixed on by said commissioners, for the county seat of said county.

SEC. 6. The agent who shall be appointed to superintend the sale of lots at the county seat of the county of Tippecanoe, shall reserve ten per cent. out of the proceeds thereof, and also ten per cent. out of all donations to said county, and pay the same over to such person or persons as may be appointed by law, to receive the same, for the use of a library for said county, which he shall pay over at such time as may be directed by law.

SEC. 7. It shall be the duty of the qualified voters of the said new county of Tippecanoe, at the time of electing a clerk, recorder and associate judges, for the said county, to elect five justices of the peace, within and for said county, who shall constitute a board for transacting all other county business, as well as the duties heretofore devolving on the board of commissioners, in organizing a new county.

SEC. 8. That the said county of Tippecanoe, shall be attached to the county of Montgomery, for judicial purposes, until otherwise provided by law.

This act to take effect, and be in force from and after the first day of March next.

Com'rs to be notified by the sh'ff of Montgomery.

Courts where holden.

Ten per cent upon donation reserved for a library.

Five justices to be elected.

Their duties.

## CHAPTER XI.

An act supplementary to the act regulating the judicial circuits, and fixing the times of holding courts, and the act to amend the same.

[APPROVED—JANUARY 21, 1826.]

Allen attached to the 3d circuit. Courts, when and how long holden.

Madison attached to the 5th circuit.

Times of courts in the 5th circuit.

Length of terms.

Time of courts in the 1st circuit.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the county of Allen shall be attached to, and form a part of the third judicial circuit, and the terms of said court shall be on the second Mondays in February and August, and the circuit court for the county of Allen, shall sit six days if the business require it.

SEC. 2. That the county of Madison shall be attached to, and form a part of the fifth judicial circuit; shall be held on the days and times following, to wit: In the county of Morgan, in the last Mondays in February and August; in the county of Monroe, on the Thursdays succeeding the courts in Morgan; in the county of Bartholomew, on the second Mondays in March and September; in the county of Johnson, on the third Mondays in March and September; in the county of Shelby, on the fourth Mondays in March and September; in the county of Decatur, on the Thursdays succeeding the courts in Shelby; in the county of Rush, on the first Mondays in April and October; in the county of Henry, on the Thursdays succeeding the courts in Rush; in the county of Madison, on the second Mondays in April and October; in the county of Hamilton, on the Thursdays succeeding the courts in Madison; in the county of Hendricks, on the third Mondays in April and October; in the county of Marion, on the fourth Mondays in April and October. And the said courts in the county of Monroe, shall sit nine days, if the business require it; in the counties of Marion and Bartholomew, the courts shall sit six days, if the business require it; and in the remaining counties of said circuit, the courts shall sit three days, if the business require it.

SEC. 3. That the circuit courts in the first judicial circuit, shall be hereafter held on the days and times following, to wit: In the county of Orange, on the fourth Monday in February and third Monday in July; in the county of Martin, on the first Monday in March and fourth Monday in July; in the county of Daviess, on the second Mondays in March and August; in the county of Knox, on the third Mondays in March and August; in the county of Sullivan, on the first Mondays in April and September; in the county of Vigo, on the second Mondays in April and September; in the county of Parke, on the third Mondays in April and September; in the county of Vermillion, on the Thursdays succeeding the commencement of the courts in Parke county; in the county of Fountain, on the fourth Mondays in April and September; in the county of Montgomery, on

the Thursdays succeeding the commencement of the courts in Fountain county; in the county of Putnam, on the first Mondays in May and October; in the county of Clay, on the Thursdays succeeding the courts in Putnam county; in the county of Owen, on the second Mondays in May and October; in the county of Greene, on the third Mondays in May and October. And the circuit courts in the counties of Orange, Daviess, Martin, Sullivan, Vigo, Owen and Greene, shall each sit six days, if the business require it. And the circuit court in the county of Knox, shall sit twelve days, if the business require it. And the circuit courts in the remaining counties of said circuit, shall each sit three days, if the business require it.

Length of terms in first circuit.

SEC. 4. All suits, pleas, complaints, writs, recognizances and prosecutions whatever, which were made by virtue of the act to which this is supplementary, or any other act or law, returnable to any other day or time, than the days and times herein named, for holding circuit courts in the several counties, be, and the same are hereby made returnable to the days and times herein specified, for holding circuit courts in the several counties therein named.

This act to take effect, from and after its publication in the Indiana Journal.

## CHAPTER XII.

An act to authorize the associate judges of the Switzerland circuit court, to hold a special session.

[APPROVED—JANUARY 11, 1826.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the associate judges of the circuit court of the county of Switzerland, be, and they are hereby authorized to hold a special term of the Switzerland circuit court, on such day, in the month of January 1826, as shall be appointed and fixed upon, by the sheriff of said county of Switzerland, for the trial of Perry, a man of colour, now confined in the jail of said county, on a charge of larceny.

A. J. to hold special session for the trial of Perry.

SEC. 2. It shall be the duty of the said sheriff of Switzerland county, when he shall appoint and fix upon a day for holding such special term of the Switzerland circuit court, forthwith to give notice to the accused, and to the clerk and associate judges of the said Switzerland circuit court; and such special session shall be governed in all respects by the laws relating to the practice in the circuit courts, and shall adjourn from day to day, until the said trial shall be ended; and the clerks, judges, sheriff and all other officers concern-

Notice to the accused and officers of the court.

Mode of proceeding prescribed.

ed, shall be strictly governed by the provisions of an act providing for called sessions of the circuit courts—approved, February 12, 1825, and the associate judges shall appoint some suitable person as attorney of the state, should the circuit prosecutor be absent.

This act to take effect, from and after its publication in the Indiana Register.

### CHAPTER XIII.

An act to amend the act entitled, "An act regulating divorces—approved, January 22d, 1824."

[APPROVED—JANUARY 21, 1826.]

Libel may be filed and process issue in vacation.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the libel or petition for a divorce, authorized by the act to which this is an amendment, may be filed in the clerk's office in vacation, and shall have the same force and effect, as if filed in open court, and a summons may thereupon issue without any special order of the court, for that purpose.

Temporary order may be made in vacation.

SEC. 2. The circuit judge alone, or the two associate judges, in the presence of each other, may in vacation, after libel or petition filed, make such temporary orders relative to the property and parties, as the circuit court in term time, are authorized to make by the act to which this is an amendment.

Libels for divorces declared to be a common law proceeding.

SEC. 3. The proceedings by this act authorized, and by the act to which this is an amendment, shall be considered within the common law jurisdiction of the courts, and of the judges thereof.

This act to be in force, from and after its passage.

### CHAPTER XIV.

An Act providing for contesting the election of Governor and Lieutenant Governor.

[APPROVED—DECEMBER 26, 1825.]

Who may contest.

notice.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That if any candidate, or elector, shall choose to contest the right of any person declared duly elected Governor or Lieutenant Governor, of the state of Indiana, such contestor shall give notice in writing to the person

whose election he means to contest, or leave a written notice thereof, at the house where he last resided, within twenty days after proclamation of such election, expressing therein, the points on which the same is contested; and shall in like manner, and within the same time give notice thereof, to the presiding officers of each house of the General Assembly, who shall forthwith make out a notice in writing, and deliver the same to the Sergeant-at-arms to the senate, who shall give a copy thereof, to the person whose election is contested, or leave a copy thereof at the house where he last resided, that his election has been contested, and that a committee of the General Assembly, will meet on some day certain, which shall be fixed on by such presiding officers, to hear and examine the evidence of the parties concerned.

Day for trial to be fixed.

SEC. 2. As soon as the president of the senate, and speaker of the house of representatives, shall have received notice of such contest, agreeably to the first section of this act, each house shall proceed separately to choose seven persons, members of their own body, in the following manner, to wit: The names of the members of the house of representatives, except the speaker, shall be deposited in a box, and the names of the members of the Senate, shall be deposited in a box, and it shall be the duty of the secretary of the Senate, in presence of the senate, and of the clerk of the house of representatives, in presence of the house, to draw from their separate boxes the names of seven persons; which persons whose names are so drawn, shall constitute a committee to try the validity of such contested election, and who after being duly sworn, shall, in joint meeting proceed to hear and determine the same.

Joint committee to be chosen.

Mode of selecting committee.

Their powers and duties.

SEC. 3. The committee aforesaid, when met agreeably to the provisions of the second section of this act, shall have power to send for persons or papers, and take all necessary means to procure testimony, the same privilege being extended to the person whose election is contested; for which purpose the committee shall have power to adjourn from day to day, or to a day certain as the nature of the case may require.

Further powers and duties.

SEC. 4. No evidence shall be heard by said committee unless it be evidence in support of the points made in the notice served on the person whose election is contested.

Evidence.

SEC. 5. No person shall contest any election, unless he shall have previously taken an oath before some person, duly authorized to administer oaths in this state, that he is a qualified voter of the state of Indiana, and that the charges, and specifications, or points on which he means to rely, as set forth in the notice delivered to the person whose election is about to be contested, are true, as he verily be-

Contestor to make oath.

lieves; which affidavit shall be delivered to the presiding officer of the Senate.

This act shall take effect, and be in force from and after its passage.

## CHAPTER XV.

An Act to provide for a more certain return of the votes for Governor and Lieutenant Governor

[APPROVED—DECEMBER 31, 1825.]

Duty of clerks respecting gubernatorial election.

*Be it enacted by the General Assembly of the State of Indiana,* That hereafter it shall be the duty of the clerks of the several circuit courts within this state, to seal up, in presence of some postmaster of their respective counties, a certified statement of the votes given for Governor and Lieutenant Governor, in their respective counties, within thirty days after the same shall have been received into their respective offices, taking from such postmasters, a certificate, setting forth the time particularly, when such returns were deposited in such post-offices; and it shall be the further duty of the several clerks aforesaid, to seal up and transmit to the speaker of the house of representatives, at the first session after such election, a certified statement of the votes given for Governor and Lieutenant Governor as aforesaid, by some senator or representative of the proper senatorial or representative district; whose duty it shall be to deliver the same to the speaker of the house of representatives aforesaid, on or before the second day of the session aforesaid; and should any clerk neglect or refuse to perform the duties prescribed in this act, he shall be liable to all the penalties prescribed in the 19th section of an act entitled "An act to regulate general elections," approved, January 7, 1813.

Penalty for neglect of duty.

## CHAPTER XVI.

An Act to authorize the lessee of the ferry across White river near Indianapolis, to erect a dwelling house on said premises.

[APPROVED—JANUARY 13, 1826.]

*SEC. 1. Be it enacted by the General Assembly of the State of Indiana,* That the agent of the state for the town of Indianapolis, be authorized to contract with Asabel Dun-

ning, the present lessee of the ferry, across White river, near Indianapolis, to erect a brick dwelling house, eighteen feet by thirty feet, two stories high, for the use and accommodation of the lessee of said ferry, and to appropriate the rent which is, or may become due, from said lessee towards the erection of said building; and that the agent be directed to prescribe the form, and fashion, and to locate a suitable site for the same: provided that the amount to be paid, on such contract, shall not exceed the amount which is, or may become due, on the present lease, of said ferry, held by said Dunning from the state: *And provided also,* that the time for completing such contract shall not exceed one year from the first day of December 1825.

Agent to contract for building a dwelling at the ferry.

Rent appropriated to pay therefor.

Agent to prescribe the form and site.

*SEC. 2.* That the said Dunning be authorized to procure from the adjoining lands, belonging to the state, any timber which may be necessary, in the erection of such building, and to construct, and use a brick yard, for the purpose of making the necessary brick for the same, under such restrictions and conditions, as shall be prescribed by the said agent.

Timber may be taken, and brick made on the state land for the building.

This act to be in force from and after its passage.

## CHAPTER XVII.

An Act authorizing the Trustees of the Cambridge Academy, in Dearborn county, to hold real estate, and for other purposes.

[APPROVED—JANUARY 13, 1826.]

*SEC. 1. Be it enacted by the General Assembly of the State of Indiana,* That John Dawson, Andrew Ray and Samuel Goucher, the trustees of the Cambridge academy, in the county of Dearborn, elected pursuant to the regulations of the subscribers for the support of the academy, and their successors in office, be, and they are hereby authorized to have, purchase, receive, possess and retain, to them and their successors in office forever, lands, tenements, rents, issues and profits, goods and chattels, monies and effects, of any kind, for the purpose of promoting education, and for the establishment and support of said academy; and for that purpose, they shall be, to all intents, a body corporate and politic, under the style of "The trustees of the Cambridge Academy," and by that name, are hereby authorized and made capable, in law and equity, to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in any court or place whatever, and to make, have and use a common seal.

Trustees named.

Incorporated for limited purposes.

*SEC. 2.* That if said incorporation shall, at any time here-

Employment  
of the funds  
restricted.

after, employ or use their funds, or any part thereof, in any banking transaction or business, or shall issue or put in circulation, any bonds, notes or bills, calculated, or intended to be circulated as money, or shall appropriate any of their funds for any other purpose or purposes, than that set forth in this act, then, and in either case, and from thenceforth, all rights granted by this act, shall cease, determine and be null and void, as if the same had never been granted.

This act to be in force from and after its passage,

## CHAPTER XVIII.

An Act reviving and amending the act entitled "An act for the incorporation of the town of Lawrenceburgh, Dearborn county, Indiana territory"—Approved, December 26, 1815, and legalizing and confirming the proceedings of the said corporation, and extending the right of suffrage and the powers of the citizens within the same.

[APPROVED—JANUARY 21, 1826.]

Act of 1815 re-  
vived.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the above recited act be, and the same is hereby declared to be in full force, in the same manner as if the said act had been ordered to be, and actually published by its title, in the act entitled "An act authorizing the printing of sundry private acts by their titles, and re-printing sundry statutes, and for other purposes"—approved, January 31, 1824.

Past proceed-  
ings confirm-  
ed.

SEC. 2. That all the proceedings, incorporation, elections, appointments, by-laws, ordinances, regulations and contracts, heretofore had, held, ordained or entered into by the freemen of the said town of Lawrenceburgh, or by the president, recorder and freemen, or by the president, recorder and select council, and all the acts and proceedings of the said president, recorder, marshal and treasurer, in attempting to carry the same into effect, be, and the same are hereby in all things confirmed: *Provided*, said acts and proceedings shall not have been in violation of the constitution and laws of the United States, and of this state.

Who may  
vote for presi-  
dent and  
council.

SEC. 3. That every white male citizen of the United States, of the age of twenty-one years and upwards, who shall have resided within the corporation one year immediately preceding an election, been assessed, and actually paid a corporation tax, shall be entitled to vote for president and select council: *Provided however*, That no person shall be eligible to serve as president or member of the council, unless he shall be the owner, in fee simple, of one or more in-lots, with a tenantable dwelling house thereon, within the said corporation, and actually reside within the same, and

Who eligible  
as president  
or member of  
council.

take an oath to support the laws and constitution of the United States, and of this state, and an oath of office.

SEC. 4. That hereafter, the recorder, treasurer and marshal, shall be elected by the president and council, possess the same qualifications as a member of the council, take similar oaths, and give bond and security, to be approved of by the president, in such sum as he shall direct, payable to the select council, except the marshal's bond shall require two securities, and penalty not less than one thousand dollars, conditioned for the faithful performance of their respective duties; and on failure to perform all or any of the conditions of the said bonds, the principal and his security shall be liable to be proceeded against by motion, or suit before the president, in the same manner, and subject to the same rules and restrictions, as motions and suits on sheriffs' and collectors' bonds, in the circuit court. And the president is hereby authorized and empowered, to hear and determine said motion or suit, and give judgment thereon, and issue all necessary process to carry the same into effect, as fully, and in the same manner as the circuit court could, or might do in like cases.

Recorder, &c.  
how elected,  
and their qua-  
lifications.

motion or suit  
against the of-  
ficers may be  
maintained  
before the pre-  
sident.

SEC. 5. The president and select council shall have power and authority, to assess, and order to be collected, from each male inhabitant of said town, of full age, sane and not a pauper, any sum not exceeding one dollar in each year, as a poll tax.

Poll tax may  
be assessed &  
collected.

SEC. 6. The president and select council, in the assessment and collection of taxes, shall in all cases, pursue the same rules and regulations, as now are or may be directed to be pursued, in the assessment of state and county revenue; except they shall not be restricted to the same subjects of taxation.

SEC. 7. That it shall be the duty of the marshal to serve all process and orders directed to him by the president; (except the said marshal shall be absent, sick or interested in the same, in which case it shall be the duty of the president to name some fit person for that purpose, who shall have the same power as the marshal in like cases,) collect all taxes according to the duplicate. That in the service of such process, and in the collection of taxes, whether by distress and sale or otherwise, the said marshal shall be governed by the same rules and regulations, as sheriffs, collectors and constables are directed to observe in similar cases. That in all cases of distress and sale by the marshal, on process directed to him by the president, or for the collection of taxes of either real or personal property, such sale shall be as valid in law and equity, as if the same had been made by a constable, sheriff or collector; and all certificates and deeds, given for the sale of real estate, shall be as binding as if made by the sheriff or collector, and redeemable in like manner.

Duty of the  
marshal in  
regard to the  
service of pro-  
cess, and col-  
lection of tax.

Sales for taxes  
&c. declared  
valid.

Bounds of  
corporation  
extended.

Style of the  
corporation.

Compensa-  
tion and fees  
of the presid-  
ent, marshal  
and other offi-  
cers.

SEC. 8. The bounds of the said corporation, opposite the town, shall be, and the same is hereby extended to the margin of the water, at low water mark in the Ohio river.

SEC. 9. The name and style of the said corporation shall be "the president and select council of the town of Lawrenceburgh," shall have a common seal, to be devised and kept by the president, a description of which shall be recorded.

SEC. 10. The president and marshal shall have and receive for services rendered, the same fees, to be collected in the same manner, as now are, or hereafter may or shall be allowed to justices of the peace, constables and sheriffs for similar services, and all other officers, such compensation as may be allowed by the president and council.

SEC. 11. This act shall be in force from and after its passage.

## CHAPTER XIX.

An Act to incorporate the town of Salem, Washington county.

[APPROVED—JANUARY 20, 1826.]

Trustees to be  
chosen.

Term of ser-  
vice.

Declared a  
corporation,  
and powers  
defined.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the qualified voters of the town of Salem, Washington county, shall meet at the court-house, in said town of Salem, on the first Monday in March next, and proceed, under the direction of the sheriff of said county, whose duty it is hereby made to hold said election, to elect by ballot, seven trustees, who shall be called the board of trustees of the town of Salem, a majority of whom shall form a quorum, and continue in office until the first Monday of March in the year one thousand eight hundred and twenty-seven, and until their successors are chosen and qualified; which said trustees and their successors in office, shall be, and are hereby created and made a corporation and body politic, by the name and style of "the trustees of Salem," and by that name shall be, and are hereby made able and capable, both in law and equity, to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in any court in this state; to ordain, establish and put in execution, such by-laws, ordinances and regulations, as shall to the said trustees seem necessary; to keep in repair and remove any obstructions in the streets, alleys and commons in the town; to remove nuisances of every kind, to erect market-houses, to sink and keep in repair public wells, and generally, to ordain, establish and put in execution, such by-laws, ordinances and regulations for the good go-

vernment of said town, as to the said trustees may seem necessary, not inconsistent with the constitution and laws of this state.

SEC. 2. That said corporation shall have perpetual succession, and for that purpose every person resident in the corporation, having a legal or equitable title to property therein, shall be entitled to vote for trustees; which trustees shall be elected annually, on the first Monday of March, and shall hold their offices until their successors are elected and qualified, and shall have power, from time to time, to fill vacancies, by appointing a successor or successors, who shall hold their office until the next annual election of trustees.

SEC. 3. It shall be the duty of the sheriff of Washington county, for the time being, or in his absence, the coroner to advertise, in at least three of the most public places within the bounds of the corporation of said town, or in some public newspaper printed therein, at least ten days previous thereto, the time and place of holding such elections, and to superintend the same.

SEC. 4. Previous to entering upon the duties of their office, each trustee shall take an oath, faithfully and impartially to discharge his duties as trustee of the town of Salem, and shall then have full power and authority, to transact any and all kinds of business that may be authorized by this act.

SEC. 5. The trustees elected by the authority of this act, shall, at their first meeting, elect one of their own body, whose duty it shall be to preside in all their deliberations, and sign all by-laws that shall be enacted by said trustees: *Provided however,* That in the absence of the president, a president pro tempore shall be elected, who shall perform the duties of the president for the time being.

SEC. 6. The president of the board of trustees of the town of Salem, shall be inspector of all incorporation elections for said town; he shall take to his assistance, two other qualified electors, who, together with himself, shall be judges of said election or elections; and after having appointed a clerk, who, together with the judges, shall take an oath or affirmation, faithfully to discharge their duty as judges and clerk of said election, shall proceed to receive votes for trustees, between the hours of ten o'clock A. M. and four o'clock P. M., on said day of election; and the seven persons having the highest number of votes at said election, shall be declared duly elected, a certificate of which election shall be made out by the clerk thereof, and when signed by the inspector and judges of such election, and attested by said clerk, it shall be the duty of such clerk to file the same together with all the papers appertaining to such election in the office of the clerk of the circuit court of Washington

Perpetual suc-  
cession pro-  
vided for.

Sheriff of Wash-  
ington to give  
notice of elec-  
tions.

Trustees to be  
sworn.

President to  
be chosen.

Mode of con-  
ducting elec-  
tions.

certificate of  
election to be  
recorded.

county, within ten days from the time of holding said election, whose duty it shall be to record the said certificate of election in the book in which the proceedings of the board of justices are recorded: *Provided however*, That if the president of the board of trustees should not attend at said election, the qualified electors shall proceed to elect some fit person to act as inspector, who, when so elected shall take an oath or affirmation, faithfully and impartially to discharge the duties of inspector at such election.

Duty of the  
board.

SEC. 7. At the first meeting of said board of trustees, they shall appoint a clerk, an assessor, collector and treasurer, who shall, before entering upon the duties of their offices, severally take an oath or affirmation, before some person authorized to administer the same, faithfully and impartially to discharge the duties of their offices.

Duty of the  
clerk.

SEC. 8. It shall be the duty of the clerk of said board to keep a record of the proceedings of said board, in a book provided by said board, and shall officially attest the same. It shall be the duty of the assessor, to assess the value of the lots in said town, not including the improvements thereon, and to make return thereof to the said board, according to such form, and at such times as the board may direct, and upon the return of such assessment of lots, said board shall levy a tax thereon, at such rate as to them may seem necessary, not to exceed one half per centum per annum, on such valuation, and on no other property shall they levy any tax whatever. The said board shall require the collector to give bond with security to the said board and their successors, in double the amount to be collected, conditioned for the faithful collection and payment to the treasurer of their board, of the taxes assessed as aforesaid in such manner as may be directed by the board; who shall provide by ordinance the manner of proceeding in such collection, and for the advertisement, sale, redemption and conveyance of property sold, under such provisions not inconsistent with the revenue laws of this state. The said board shall also require the treasurer by them appointed, to give bond and security in such sum as to said board may seem right, conditioned for the faithful discharge of the duties of his office, and for the paying over of such monies in his hands subject to the order of said board, attested by the clerk. Said board may make such allowance to the several officers appointed by them, as they may deem reasonable for the services rendered by such officers.

Duty of the  
assessor.

Duty of the  
collector.

Treasurer to  
give bond.

Allowance to  
officers.

Limits of the  
corporation.

An annual  
statement of

SEC. 9. The limits of the corporation shall extend to, and embrace the original plat of the town of Salem, together with any addition or additions, which have been or may hereafter be made thereto.

SEC. 10. It shall be the duty of said board of trustees, in the months of May and November in each year, to publish

a statement of the receipts and expenditures of said corporation, in some public newspaper in said town of Salem, three times in each of said months of May and November. receipts and expenditures to be published.

This act to take effect and be in force, from and after its publication in the Indiana Farmer, printed in Salem.

## CHAPTER XX.

An Act incorporating a seminary in the county of Gibson, and for other purposes.

[APPROVED—JANUARY 21, 1826.]

WHEREAS, It has been represented to this General Assembly by petition, that the inhabitants of Gibson county, are desirous of establishing a county seminary in some suitable place within said county, to be known and designated by the name of the Gibson county seminary, and for the more perfect organization and management of the said seminary, it is desirable to obtain an act of incorporation for the same: Therefore,

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That it shall be the duty of the president and associate judges of the Gibson circuit court, at their next February term, to appoint five good and lawful freeholders of the county aforesaid, as trustees of the Gibson county seminary, whose duty it shall be to take an oath or affirmation, that they will, well and truly discharge the duties assigned them as trustees for the term of one year, or until their successors are appointed and qualified in the manner hereinafter prescribed.

Circuit court  
to appoint  
trustees.

SEC. 2. Whenever the trustees so appointed, shall have qualified themselves by the oath or affirmation as prescribed in the first section of this act, they shall then be, and they are hereby declared and created a body corporate and politic, by the name and style of "the board of trustees of the Gibson county seminary," and by the same name shall be able and capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in any court of justice whatever. They shall in law, be capable of purchasing, holding and conveying any estate either real or personal, for the use of the said seminary. They shall also be empowered to receive subscriptions, gifts, grants, donations and bequests, which subscriptions, gifts, grants, donations and bequests, shall be appropriated to the sole use and benefit of said seminary, in such manner as the board of trustees shall deem most profitable or expedient.

Trustees de-  
clared a body  
politic &c.

Their powers.

Further pow-  
ers.

SEC. 3. The board of trustees, or a majority of them shall have full power, from time to time, to make such by-laws, ordinances and regulations not inconsistent with this charter, the laws of this state, or of the United States, as to them shall appear necessary for the good government of said seminary, and the students thereof, and the same to put in execution, revoke, alter and make anew as to them shall appear necessary, and for the purpose of purchasing a suitable site, and erecting thereon a good, convenient and suitable building or buildings for the use and benefit of said school, and keeping the same in good repair and generally for providing whatever to them may be considered necessary and proper for such a seminary.

May appoint  
subordinate  
officers.

SEC. 4. The board of trustees shall have power to appoint such subordinate officers as they may judge necessary, for the good government of the seminary, and to require such sureties and to annex such fees to the several officers of the corporation, and to impose such fines for neglect of duty or misconduct in office, as to them shall appear proper.

Elect a presi-  
dent.

SEC. 5. The board of trustees may meet when, and as often as they may think proper, not less however, than twice in each year, and at their first meeting shall elect a president out of their own body, whose duty it shall be to preside over the board, and in case of his absence they shall choose a president pro tempore.

Further pow-  
ers of trustees.

SEC. 6. The board of trustees or any officer appointed by them, shall be authorized to demand and receive of the present trustee of the seminary fund of said county, all monies, notes, books and papers relative to the seminary fund in that county now in his hands, or which may hereafter come into his hands before the taking effect of this act, and from and after the first day of May next, the office of trustee in said county of Gibson, shall be abolished, and the said board of trustees of the Gibson county seminary, shall from and after the first day of May next, have all the power and authority which formerly belonged to the said trustee, (whose office is hereby abolished,) to receive all monies arising from fines or any otherwise belonging to the seminary fund of said county. They shall also have power to demand and receive from the treasurer of state an equal proportion of all monies paid into his office by persons conscientiously scrupulous of bearing arms, and to which the county of Gibson is entitled, and their receipt to him shall be a sufficient voucher for the same.

Circuit court  
to appoint  
trustees annu-  
ally.

SEC. 7. It shall be the duty of the presiding and associate judges of the Gibson circuit court annually, at their February term, to appoint five trustees in manner and form as mentioned in the first section of this act; and should any of said trustees appointed as aforesaid die, remove out of

the county, or refuse to serve during the vacation or recess of said court, it shall be the duty of the associate judges to appoint some suitable freeholder or freeholders to supply such vacancy, who after being qualified as mentioned in the first section of this act, shall proceed to discharge the duties assigned him by this act.

SEC. 8. The county seminary for the county of Orange, is hereby established at the town of Paoli, the seat of justice of said county, and it is hereby made the duty of the president and associate judges of the circuit court of said county, at the first term of said court, after the passage of this act, to appoint five good and lawful freeholders, residents of said county, as trustees of said seminary, whose duty it shall be to take an oath or affirmation, that they will, well and truly discharge the duties assigned them as aforesaid, for the term of one year, from and after their appointment, and until their successors are appointed and qualified in the manner prescribed in the foregoing provisions of this act; and the trustee of the Orange county seminary fund, is hereby required to pay over all monies that are or may come into his hands for the use of said seminary to the trustees of said seminary, or their order when called on for that purpose: the judges and trustees of said county shall be governed in all other respects by the provisions of the foregoing sections of this act, except that nothing in this act contained, shall be so construed as to abolish the office of seminary trustee in the said county of Orange.

County semi-  
nary in Or-  
ange, estab-  
lished.

Circuit court  
to appoint  
trustees there-  
of.

Their powers.

This act to take effect, and be in force from and after its passage.

## CHAPTER XXI.

An Act incorporating the Whitewater canal company.

APPROVED—JANUARY 21, 1826.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That John T. McKinney and his associates, their successors and assigns, be, and they are hereby created a body corporate and politic, by the name of the President and directors of the Whitewater canal company, and are hereby ordained, constituted and declared to be forever hereafter a body politic subject to the regulations, limitations and restrictions hereafter mentioned and directed, and corporate in fact and in name, and by that name they and their successors shall and may have continual succession; and shall be persons in law, capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts

Incorporating  
clause.

and places whatsoever, in all manner of actions, suits, complaints, matters and causes whatsoever; and that they and their successors may have a common seal, and make and alter the same at their pleasure, and also, that their successors by the same name and style, shall be in law, capable of purchasing, holding and conveying any estate, except in the nature of bank stock within this state, real or personal for the use of said corporation.

**Capital stock.** SEC. 2. The capital stock of said company, shall consist of forty thousand shares, of twenty-five dollars each, and that subscriptions to the capitol stock of said company, may be received by such person or persons, and under such regulations as the directors for the time being, or the majority of them, shall prescribe and ordain, not inconsistent with the constitution and laws of this state.

**Mode of conducting business.** SEC. 3. The stock, property and concerns of said company shall until the first Monday of December next ensuing, be conducted by seven directors hereinafter named; and after that day, the same shall be conducted and managed by seven directors, being stockholders, who shall hold their offices for one year from the first Monday in December next, and the said directors shall be elected by ballot annually on the first Monday in December, at such hours of the day, and at such place within this state, as the president and directors for the time being shall appoint, and public notice shall be given by said directors, not less than twenty days previous to the time of holding said elections, by advertisements to be inserted in some one or more newspapers printed in this state and the state of Ohio. And the said elections shall be made by such of the stockholders as shall attend for the purpose or by proxy, each having one vote for every share as far as ten shares, and one vote for every five shares above ten. And the directors so to be chosen, shall at their first meeting in every year, elect by ballot one of their members to be their president.

**First directors named.** SEC. 4. That John T. McKinney, James Dill, George H. Dunn, Patrick Baird, William R. Morris, Jonathan McCarty and John Templeton, shall be the first directors and shall hold their offices until the first Monday in December, A. D. eighteen hundred and twenty-six. And at their first meeting they shall by ballot, elect one of their members to be their president. And that the said president and directors, and the president and directors thereafter to be chosen, a majority of whom being assembled, shall constitute a board, shall have power to appoint the time and place of all meetings for the dispatch of business, to appoint such superintendants, engineers, clerks and other officers, agents and servants, and exact from them such security for the performance of the duties assigned them, as the said directors shall judge requisite and proper, and necessary

Directors may appoint superintendants, &c.

for carrying into effect the purposes of this act. And to agree for and settle their wages and all allowances, and to pass and sign their accounts, and also to make and establish rules of proceedings, and to make such by-laws, rules and regulations not inconsistent with the constitution of the United States, nor the laws and constitution of this state, as may be necessary for the ends proposed by this act.

SEC. 5. In case of the death, resignation or refusal to act, of any director or directors herein appointed, or hereafter chosen as aforesaid, it shall and may be lawful for the remaining directors, upon public notice being given at least fifteen days for that purpose, to proceed to elect a director or directors to fill such vacancy or vacancies.

Vacancies in directory to be filled.

SEC. 6. In case of the death, resignation or refusal to act, of the president, it shall and may be lawful for said directors to choose a president *pro tem.* and for the meeting only for which he shall be chosen.

SEC. 7. It shall and may be lawful for the said company by its president and directors, or by any superintendant, agent, or engineer appointed under the seal of said company, to enter into and upon, take possession of any lands whether covered with water or not, which shall or may be necessary for the prosecution of the works and improvements contemplated by this act, or whereon, or whereby to construct a canal, lock, dyke, embankment, pond, basin, dam or other works intended or permitted by this act, and that without the leave or permission of the owner or owners, proprietor or proprietors of such land first had and obtained, and to survey and lay out such route or track as shall be deemed by them most practicable for effecting a safe and easy navigation, and also for suitable locks to it, and effecting such objects as are within the contemplation of this act, and the organization of this company, doing as little injury to the adjoining grounds and enclosures as possible in the prosecution of the proposed undertaking. And it shall and may be lawful for the owners of the lands and tenements, to contract and agree with the said president and directors for the conveyance of so much of said land as will be necessary and requisite for the purpose aforesaid, if the said president and directors can agree with said owners; but in case of disagreement, said company may proceed to lay out and open their works on such ground as they may deem best adapted to the purposes of navigation, water works and other objects connected with the same. And on application of the owner or owners of said land, to the circuit court of the county in which said land may be situated, the said circuit court shall appoint three discreet and disinterested freeholders of the said county, who shall before they enter upon the duties of their appointment, severally take an oath or affirmation before some person au-

Company may appropriate lands of other persons.

thorized to administer oaths, faithfully and impartially to perform the trusts and duties required of them by this act. And it shall be the duty of the said appraisers to view and assess the damages and advantages arising to the said owners, by the location of the said works, and make report to the next term of said court; which report, when duly received and admitted to record, shall be final. And on the payment of the money, if any is awarded, shall vest in the said company the fee simple to the land: *Provided however*, That all such applications to the said several circuit courts as aforesaid, for compensation for any lands, waters or streams so appropriated, shall be made within one year after such lands, waters or streams shall have been taken possession of by said company for the purposes aforesaid.

Company  
may appropriate  
materials.

SEC. 8. That it shall and may be lawful for the said president and directors by themselves, their agents or workmen to enter with such force as they may employ for that purpose, upon the lands contiguous or near to the proposed canal, and from thence to take and carry away any earth, stone, gravel, timber and other materials being most convenient for making or repairing the said canal and appendages. Making proper compensation therefor to the owner or owners of said land, if they can agree thereon. But in case of disagreement, then it shall be settled by valuation, in the manner above recited.

Laborers on  
canal exempt  
from militia  
duty.

SEC. 9. That every person actually engaged in labouring on said canal, authorized by this act, shall be exempt from doing militia duty in this state, except in cases of insurrection or invasion, during the time he is actually engaged; and the certificate of the president or either of the directors, or of any contractor of said work, who shall employ such men so liable to perform militia duty, in performance of their contracts, shall be prima facie evidence of such engagement.

Tolls.

SEC. 10. When the said canal, or any part thereof shall be completed, suitable for the passage of boats, the president and directors, by themselves or agents, shall have a power and authority to demand and receive such rates of tolls as shall be from time to time, fixed by the president and directors. The said president and directors, shall also fix and establish such charges as they may deem advisable, for the use of the docks, basins and other appendages to said canal; which rates, with the rates of tolls to be fixed as aforesaid, shall be posted up in some conspicuous place on every lock erected on said canal: And no other or greater rates shall be demanded or received, than those so posted up. And the president and directors shall likewise have power, to sell or lease for a term of years, the privilege of the water of the canal, of erecting docks, or other locations on the said canal or its appendages.

SEC. 11. That if any person shall wilfully or knowingly do any act or thing whatever, whereby the said navigation, or any lock, gate, dam, engine, machine or other thing thereto belonging, shall be injured or damaged, or impeded, or shall commit any wilful trespass, or take, carry away or conceal any material, instrument, tool or other thing belonging to, or used in or about the said work, or shall open, or cause the locks to be opened, or attempt so to do, or to pass or repass, without the knowledge of the agent or manager of the said canal, he, she or they, so offending, shall forfeit and pay to the said canal company, their tenant or agent, three times the amount of the costs or damages sustained by means of, or through such wilful act, together with costs of suit, to be recovered before any court of competent jurisdiction. And in case of clandestinely taking and carrying away, be liable to a prosecution for theft as in other cases.

Penalty for injuries to company.

SEC. 12. That the said president and directors shall keep a true account of the costs and expenditures; and on the first Monday of December in each year, have the same made up, and the balance of profits struck and divided among the stockholders, and report the same to the General Assembly of this state. And if it shall appear by the said return, so made under the oath of the president and directors, that the profits so divided, do not amount to fifteen per cent. on the capital expended, the said corporation shall be authorized to add to the tolls for the succeeding years, until the nett profits, after deducting for all expenses, necessary repairs and improvements, shall amount to twenty per cent. per year. But should it appear by the said returns, that the nett profits as aforesaid, exceed twenty-five per cent. per year, after the expenses, repairs and necessary improvements are made, the legislature reserve to themselves, the right so to reduce the amount of tolls, as that the profits to be divided shall not exceed eighteen per cent. per annum.

Directors to keep account of expenditures, and report the same.

SEC. 13. Whenever the said canal shall cross any public or private road or highway, or shall divide the grounds of any person into two parts, so as to require a bridge to cross the same, the appraisers who shall enquire the damages to be sustained in manner as herein directed, shall find and ascertain whether a passage across the same, shall be admitted and maintained by a bridge; and on such finding, the said directors shall cause a bridge fit for the passage of cattle, carts and wagons to be built, and forever hereafter maintained and kept in repair, at all and every, the places so ascertained by the said appraisers, at the costs and charges of the said company: but nothing herein contained shall prevent any person from erecting and keeping in repair, any foot or other bridge across the said canal, at his or her own expense, when the same shall pass through his or

Bridges.

her ground: *Provided*, the same shall be of such height above the water, as shall be usual in the bridges erected by the said company: *And provided also*, That such foot or other bridges to be erected by the owner or owners of such land, shall not interfere with any of the locks, buildings, passage of boats or other works of the company.

Route of canal.

SEC. 14. The president and directors, and their successors, a majority of them being assembled, shall have full power and authority to engage with any person on behalf of the said company, to cut such canal from some point in the immediate neighborhood of Lawrenceburgh, to such place in the county of Wayne, as the president and directors may deem advisable, and from thence to some point on the Wabash river, in the neighborhood of Fort Wayne, in the north-western part of this state; and to erect such locks, and to perform such other works as they shall judge necessary for opening said canal, and for repairing and keeping in order, the said canal, locks and other works.

Company may receive donations.

SEC. 15. It shall and may be lawful for the said company to receive from the United States, or from any state, or from any body corporate or politic, donations of lands, money or other chattels, for the use of said company; and to receive for the same use and purpose, voluntary subscriptions and donations, from any individual who may be disposed to encourage and promote the objects of this act. And it shall and may be lawful for said company, in case of refusal or neglect of payment, in the name of the company aforesaid, to sue for and recover of all such subscribers, their heirs, executors or administrators, the sums by them respectively subscribed, by action of debt, or upon the case in any court of record having competent jurisdiction.

Capital stock may be increased.

SEC. 16. If at any time, it shall in the opinion of the said company, become necessary in order to effect the purposes authorized by this act, to increase the said capital stock and number of shares, it shall and may be lawful for said company, in their discretion, from time to time, to increase the same, by the addition of so many whole shares as shall be judged necessary by the said proprietors or a majority of them in interest, not to exceed one hundred thousand shares in addition; and subscriptions for the said shares shall be received at such time and place, and in such manner as the directors for the time being shall think proper to prescribe.

Subscriptions how to be paid.

SEC. 17. It shall be lawful for the said directors, to call for and demand from the stockholders respectively, all such sums of money by them subscribed, at such times and in such proportions as they shall see fit, under pain of forfeiture of their shares, and all previous payments thereon, to the president, directors and company.

Canal vested in company.

SEC. 18. In consideration of the expenses the said proprietors shall be at in opening and completing said canal, and in

keeping the works in repair, and in effecting the objects authorized by this act, the said works and canal, and other property which the said company shall acquire, with all the profits and appurtenances, shall be, and the same are hereby vested in the said company and their successors forever, subject to the restrictions and limitations in this act contained. And the canal, and the water-works thereon or adjoining thereto, shall be exempt from the payment of any tax, imposition or assessment whatever, for ten years from the passage of this act. And that the shares in the said company shall be deemed, and are hereby declared to be personal, and not real estate; and that the same may be transferred and assigned, so as to convey the absolute profits thereof in such manner and form as the said president and directors shall, by by-laws to be made for that purpose, ordain and prescribe: *Provided however*, That the said company, or any individual thereof in their behalf, shall not in anywise, be at liberty to issue bills of credit, or bills payable to bearer or order, or to carry on any bank or banking institution whatever.

Exemption from taxation

SEC. 19. That the directors herein appointed to act as such until the first Monday in December next, shall be entitled to have and receive, one dollar and fifty cents per day, for every day they shall attend or be absent from their several places of residence, in and about the trust hereby reposed in them; which shall be paid to such director or directors, from the funds of the company. The state hereby reserves for themselves, one fourth of the shares in the capital stock of the said corporation, to be subscribed for, at such time, and in such manner as the General Assembly may direct; and no forfeiture shall accrue to the state for any failure in the payments to the same. And the state shall be entitled to dividends of the profits in proportion to the money they may pay; and shall be entitled to two directors, to be appointed by joint ballot of both Houses of the General Assembly, whenever they think proper; and be entitled in addition hereafter, to such proportion of the said directors, as their stock in the corporation will justify.

Compensation to directors.

Reservation to the state of one fourth the shares.

SEC. 20. The corporation by this act created, and the powers and privileges given to the same, shall cease and be at an end, on the first day of December, A. D. eighteen hundred and sixty, except so far as may be necessary for the closing and settling the corporation: *Provided*, That the said canal and the buildings, and the works erected, or on the waters taken therefrom, shall remain to the said corporation, their heirs and successors, unless at the period above fixed for the expiration of the charter aforesaid, the state will purchase of the said proprietors, the said canal and locks, and its appendages, and pay to them for the same the monies expended by them in the execution thereof, which

Limitation of the corporation.

Remain forever, unless the state will purchase the canal.

price shall be determined by the judges of the supreme court of this state; who shall take into consideration the profits received, as well as the original costs: And should the stock not have yielded ten per centum per annum, on the original costs, they shall pay a rate of interest on the original cost, not exceeding four per centum per annum for the whole amount of the prime costs.

SEC. 21. That whenever ten thousand shares of the capital stock of said company shall have been subscribed, the persons aforesaid, or a majority of them, shall advertise a meeting of the stockholders of said company, as within provided for; giving thirty days notice of the time and place of such meeting; and shall thereupon proceed to the election of seven directors, who shall be stockholders in said company; and also, fix what compensation they shall be entitled to, if any is allowed. At all subsequent elections no shares shall be voted on, unless they have stood in the name of the person claiming to vote, at least three months previous to the election. Shares may be voted on by proxy, duly recorded, and conforming to the foregoing qualifications.

SEC. 22. The books of the said company, shall always be open for the inspection of the legislature of this state, or any person or persons to be appointed by them for that purpose.

SEC. 23. It shall be incumbent on the said president and directors, to keep open their books of subscription, for the space of six months from the passage hereof, at the town of Brookville in this state.

Width of canal. SEC. 24. The canal authorized by this act to be cut, shall not be less than forty feet wide at the bottom.

Canal to be begun within 2 years. SEC. 25. In case the said company shall not begin the said canal within two years from the passage of this act, or give to the legislature satisfactory evidence of their intention to prosecute and complete the said canal, then, and in either of those cases, or on such default being ascertained, all the preferences, privileges and powers given and granted by this act, shall thenceforth cease, determine and be absolutely void: *Provided*, That nothing herein contained, shall be construed to exempt the stockholders in their individual capacity, from liability in law or equity, for the debts contracted or authorized to be contracted by the directors, in proportion to the stock they may own.

## CHAPTER XXII.

An Act legalizing the marriage of William Wright, of the county of Floyd.

[APPROVED—DECEMBER 22, 1825.]

*Be it enacted by the General Assembly of the State of Indiana*, That the marriage of William Wright and Many Inerd, solemnized by Leroy Smith, a minister of the gospel, on the 5th day of November, Anno Domini, 1807, in the county of Clark in the territory of Indiana, be, and the same is hereby declared to be good and valid in law. Marriage legalized.

This act to be in force from and after its passage.

## CHAPTER XXIII.

An Act legalizing the acts of Jacob B. Lowe, Clerk of the Circuit Court of Monroe county.

[APPROVED—JANUARY 20, 1826.]

WHEREAS, It is represented and believed, that Jacob B. Lowe, formerly, and now clerk of the circuit court of Monroe, omitted to qualify, as such clerk under a commission issued the 26th day of November, in the year 1824, and which was to take effect on or about the first of March 1825, at the expiration of a term of service, for which he had been formerly commissioned; and continued to act as such clerk, without qualifying, until the 10th day of September 1825, under a belief that he was authorized to act under his former commission: Therefore,

*Be it enacted by the General Assembly of the State of Indiana*, That all the acts done and performed by said Jacob B. Lowe, as clerk of said circuit court, between the expiration of his former term of service, and the said 10th day of September 1825, be, and they are hereby legalized, and declared valid, so far as it regards his said want of qualification. Acts of J. B. Lowe legalized.

## CHAPTER XXIV.

An Act legalizing the proceedings of the commissioners of the county of Clay, and for other purposes.

[APPROVED—JANUARY 21, 1826.]

WHEREAS, It is represented to this General Assembly, that the several counties out of which the county of Clay was

formed, relinquished their claims to the county tax accruing in said county of Clay, and which was reserved to the several counties, by the act for the formation of said county, approved, February 12, 1825; and whereas, in pursuance thereof, the board of commissioners of the said county of Clay, proceeded to levy a county tax, as near as practicable under the provisions of the general law upon the subject of revenue: Therefore,

Acts of com'rs  
of Clay coun-  
ty legalized.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the proceedings of the said board of commissioners of the county of Clay, in the year 1825, in levying the state and county tax, and directing the same to be collected, be, and they are hereby fully legalized.

Place of hold-  
ing courts  
may be chang-  
ed.

SEC. 2. *And be it further enacted*, That whenever the board of justices of said county may be satisfied, that there are suitable accommodations at Bowlinggreen, the county seat of said county, for the circuit and other courts of the county, they are hereby authorized to direct said courts to be holden at said county seat.

This act to take effect, and be in force from and after its passage.

## CHAPTER XXV.

An Act legalizing the proceedings of the Board of Justices of Hendricks county.

[APPROVED—JANUARY 20, 1826.]

Proceedings  
of b. j. of Hen-  
dricks county  
legalized.

*Be it enacted by the General Assembly of the State of Indiana*, That the proceedings of the board of justices, doing county business in the county of Hendricks, at their session in November 1824, be valid in law, in the same manner they would have been, had such session been held in September, as then required by law.

This act to be in force from and after its passage.

## CHAPTER XXVI.

An Act legalizing the proceedings of the Boards of Justices of Vermillion and Hamilton counties, for the year eighteen hundred and twenty-five.

[APPROVED—DECEMBER 30, 1825.]

WHEREAS, It is represented to this General Assembly, that serious difficulties may arise from the illegality of the

proceedings of the board of justices of the county of Vermillion, in appointing superintendants to lease school sections in said county, contrary to an act, approved, January 31, 1824, incorporating congressional townships and providing for public schools therein: and whereas also, it appears that doubts have arisen, as to the legality of the proceedings of the board of justices of the county of Hamilton, in certain orders made by said board respecting roads in said county: Therefore,

*Be it enacted by the General Assembly of the State of Indiana*, That the said proceedings of the boards of justices of the counties of Vermillion and Hamilton be, and they are hereby legalized. Certain acts  
of b. j. legal-  
ized.

This act to take effect and be in force, from and after its passage.

## CHAPTER XXVII.

An Act to legalize the proceedings of the trustees of the Bartholomew county library.

[APPROVED—JANUARY 11, 1826.]

WHEREAS, It is represented to this General Assembly, that the return of the election of the trustees of the Bartholomew county library, which was held in September 1821, has been unfortunately lost, so that there is no evidence of the existence of such corporation: For remedy whereof,

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That Newton C. Jones acting president, and Nathan Thompson, Elias Bedford, John C. Hubbard, William Herod, David Deitz, Benjamin F. Wallace and John Glanton, acting trustees of the Bartholomew county library, shall be, and they are hereby confirmed in the office of president and trustees of the Bartholomew county library, until the first Monday in September 1826, and until their successors are chosen and qualified, and the said president and trustees, and their successors in office, shall be taken and deemed to be legal trustees of the Bartholomew county library, and vested with all the powers, rights, privileges and immunities, and subject to the same conditions and requisitions that they would be, if they had been elected and organized under the provisions of "an act for the incorporation of county libraries," approved, January 23, 1824; and the said president and trustees, and their successors in office, together with the qualified voters of the county of Bartholomew, are hereby created, and declared a corpora-

Acting trust-  
ees confirmed  
in their office.

They & their  
successors de-  
clared a cor-  
poration.

tion and body politic, under the provisions of the before mentioned act.

Acts legalized

SEC. 2. That all the acts and proceedings of the above named president and trustees, and all persons who have heretofore exercised the office of trustee of said library, are hereby legalized and confirmed, and declared to be valid in law; and all the estate, rights, credits, monies and effects, in the possession of, or belonging to the said acting president and trustees, or that of right ought to belong to the Bartholomew county library, are hereby legally vested and confirmed in the said president and trustees of the Bartholomew county library.

Succession provided for.

SEC. 3. It shall be the duty of the qualified electors of Bartholomew county, on the first Monday of September 1826, to elect a president and seven trustees, for the county library of said county, according to the provisions of the act aforesaid.

This act to take effect, and be in force from and after its passage.

#### CHAPTER XXVIII.

An Act legalizing the proceedings of the School Trustees of Congressional Township No. 13, in range No. 13, in Fayette county.

[APPROVED—DECEMBER 19, 1825.]

WHEREAS, It has been represented to this General Assembly, that James Veatch, Elijah Corbin and W. C. Jones, trustees of the school section of land in township No. 13, in range No. 13, after having been duly appointed trustees as aforesaid, agreeably to the provisions of an act entitled "an act incorporating congressional townships, and providing for public schools therein," approved, January 31, 1825, did in the month of April 1825, by virtue of their offices as trustees as aforesaid, lease out for ninety-nine years, the school section of land aforesaid, to different persons, agreeably to the provisions of said recited act, not knowing that that part of said recited act, under which they executed the lease or leases, was repealed: For remedy whereof,

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the proceedings of the aforesaid trustees, so far as they may relate to the leasing of the aforesaid school section of land, be, and they are hereby legalized, and declared to be as legal in law and equity, as though the act authorizing trustees of congressional townships to lease

Proceedings of the trustees legalized.

out said school lands for ninety-nine years had never been repealed.

This act to take effect and be in force, from and after its passage.

#### CHAPTER XXIX.

An Act legalizing the proceedings of the School Trustees of Congressional Township No. 2, in range 4 east, in Washington county.

[APPROVED—JANUARY 21, 1826.]

WHEREAS, It has been represented to this General Assembly that John E. Clark, John Currey and Samuel Lindley, trustees of the school section of land in township No. 2, in range No. 4 east, after having been duly appointed trustees as aforesaid, agreeably to the provisions of an act incorporating congressional townships, and providing for public schools therein, approved, January 31, 1824, did on the 8th day of March 1825, by virtue of their offices as trustees aforesaid, lease out, for ninety-nine years, the school section of land aforesaid, to different persons, agreeably to the provisions of said recited act, not knowing that that part of said recited act under which they executed the lease or leases was repealed, or changed: For remedy whereof,

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the proceedings of the aforesaid trustees, so far as they may relate to the leasing of the aforesaid school section of land, be, and they are hereby legalized, and declared to be as legal in law and equity, as though the act authorizing trustees of congressional townships to lease out said school lands for ninety-nine years had never been repealed or changed.

Acts of school trustees in Washington, legalized.

This act to take effect, and be in force from and after its passage.

#### CHAPTER XXX.

An Act authorizing John W. Cox to erect a mill dam across the west fork of White river.

[APPROVED—JANUARY 13, 1826.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That John W. Cox, his heirs and assigns, be, and they are hereby authorized to erect a mill dam across

John Cox may erect mill dam.

the West Fork of White river, on the south fraction of the north east quarter of section twenty in township twelve, of range one east, in Morgan county, for the purpose of erecting grist and saw mills, under the restrictions hereinafter mentioned.

Water not to be elevated more than 2 feet.

SEC. 2. The said John W. Cox, his heirs or assigns, shall not raise said dam so as to elevate the water more than two feet at the usual low stage, and shall erect a good and sufficient lock or slope in said dam, at least sixty feet wide and thirty-six long, so as in nowise to obstruct the passage of water craft, either in ascending or descending the said stream, which they shall constantly keep in good repair.

Lock or slope to be made.

SEC. 3. If any person or persons, shall be injured in the navigation of said stream, by means of the erecting of said dam, or the insufficiency or bad repair of such lock or slope, the said John W. Cox, his heirs or assigns, shall be liable to pay all damages incurred thereby.

### CHAPTER XXXI.

An Act to authorize Jacob Caylor to dig a mill race through part of a School section in Wayne county.

[APPROVED—JANUARY 13, 1826.]

Jacob Caylor may be authorized to dig a mill-race upon school lands in Wayne.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the trustees or superintendent of school section No. 16, in township No. 16, in range No. 12 east, in the county of Wayne, be, and they are hereby authorized to permit and authorize Jacob Caylor, of the county of Wayne aforesaid, by deed of lease, which shall not be for a longer term than ninety-nine years, to dig and construct a mill-race through the south-east quarter of the above named section, for such considerations, and on such terms as to them may seem for the general advantage of the citizens of the township in which the said school section is situated; and to subject said Jacob Caylor, to such conditions as to them may seem reasonable, and for the advantage of the citizens aforesaid; any law to the contrary notwithstanding.

This act to be in force from and after its passage.

### CHAPTER XXXII.

An Act to change the names of certain persons.

[APPROVED—JANUARY 13, 1826.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the names of John Peacock and Susanna his wife, and of their infant children, Louisa, Madison and

Betsey, all residents of Morgan county, be, and they are hereby changed, and the said John and Susanna, shall hereafter be known by the names of John and Susanna Lamb, and their said children by the names of Louisa, Madison and Betsey Lamb.

Names of persons in Morgan changed.

SEC. 2. *Be it further enacted,* That the name of John Rutherford, infant son of Robert Rutherford, a resident of Switzerland county, be, and the same is hereby changed; and that the said John Rutherford shall hereafter be known by the name of John C. Rush: *Provided,* that nothing in this act contained, shall be so construed as to impair, or in any way affect the rights of any person or persons whatever.

Name of person in Switzerland changed.

This act to be in force from and after its passage.

### CHAPTER XXXIII.

An Act supplemental to an act entitled, "an act declaring Blue River a public highway, and for other purposes."

[APPROVED—JANUARY 4, 1826.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That hereafter the boards of justices of the counties of Shelby and Johnson, shall have power, and are hereby required to fill any vacancies that may occur in the offices of the commissioners who were appointed to examine and improve Blue river and Sugar creek, in the aforesaid counties; and said commissioner or commissioners, when so appointed, shall exercise the same power, and be under the same restrictions with the commissioners who were appointed by the act to which this is supplemental.

Vacancies in com'rs to be filled.

SEC. 2. The commissioners shall annually report to the board of justices of their proper county, the amount of their improvements; and if in the opinion of the said boards of justices, the public interest requires it, they shall authorize the said commissioners to call out all persons compelled to work said streams, one day in addition to the days they are now compelled to labour.

Com'rs to report.

SEC. 3. The commissioners on Blue river and Sugar creek, shall divide the hands between said rivers, in such manner as they may deem just and reasonable; any thing in the act to which this is a supplement, to the contrary notwithstanding.

Hands to be divided.

This act to take effect from and after its passage.

## CHAPTER XXXIV.

An Act declaring Busserou Creek a public highway.

(APPROVED—JANUARY 21, 1826.)

*Busserou declared a highway.*  
 SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That Busserou creek from Eaton's mills, to its junction with the Wabash, be, and the same is hereby declared a public highway.

*Com'rs named to improve.*  
 SEC. 2. That John H. Eaton, Jacob Wolf and Joseph Latshaw, are hereby appointed commissioners to superintend clearing the obstructions out of said creek, with power to collect any donations that may be made by subscription or otherwise, for the purpose of improving the navigation of said creek.

*Their powers and duties.*  
 SEC. 3. It is hereby made the duty of said commissioners to apply all monies within one year after receiving the same, as a majority of them may think best; and on failing so to do, all persons who may have paid said commissioners money, or other articles of value, may recover the same by action of debt, against said commissioners, in any court having competent jurisdiction.

This act to be in force from and after its passage.

## CHAPTER XXXV.

An Act to improve the navigation of Laughery Creek.

(APPROVED—DECEMBER 30, 1825.)

*Supervisors of Laughery to be appointed.*  
 SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That it shall be the duty of those persons whose duty it is to appoint supervisors of roads and highways, in that part of Ripley and Dearborn counties through which Laughery creek runs, so far as it is declared navigable, at the same time that they appoint supervisors of roads and highways, to lay off that part of their respective counties through which said creek runs, into districts, extending one mile from said creek on each side, and up and down so far as they may think necessary; and appoint one suitable person in each district so laid off, to be denominated supervisors of Laughery creek; who shall serve for and during the term of one year, from and after his appointment; whose duty it shall be to superintend all the labour appropriated to, and by this act directed to be laid out upon said creek.

*Their term of service.*  
*Their duties.*  
 SEC. 2. That all persons liable to work on roads and highways, living within one mile of Laughery creek, from the point where the state road leading from Rising Sun to

Versailles crosses the same at Conway's ford, to the point where the state road leading from Lawrenceburgh to Indianapolis, crosses the said creek, or within one mile above or below the above mentioned points, shall, from and after the taking effect of this act, be required to perform two days labour in each and every year, under the direction of the supervisors appointed by virtue of the first section of this act, in whose district they may respectively reside, upon said creek, for the purpose of improving the navigation of the same.

SEC. 3. That all persons living within one mile of Laughery creek, and within the limits prescribed by the second section of this act, and who are liable to work on public roads and highways, for their personal privilege, be, and they are hereby exempt from performing said labour, except as is required by virtue of this act.

SEC. 4. That it shall be the duty of the several supervisors appointed by virtue of this act, to call on all persons living within the limits of their respective districts, to perform the work required and appropriated to the improvement of said creek, by this act. And if any person shall fail or refuse to perform said labour, he having received three days notice thereof from the proper supervisor, shall be liable to forfeit and pay the sum of fifty cents, to be recovered before any justice of the peace, in the same manner and subject to the same regulations, as are now prescribed for the collection of fines for failing to work on roads and highways; which money, when collected, shall be appropriated by said supervisor, to the improvement of the navigation of said creek.

SEC. 5. Any supervisor failing to discharge any of the duties enjoined on him by virtue of this act, shall for every such offence, be liable to be fined in any sum not exceeding fifty dollars, by presentment or indictment, in any court having competent jurisdiction.

## CHAPTER XXXVI.

An Act to amend the act entitled, "An act declaring certain streams therein named, public highways"—Approved, January 26, 1824.

(APPROVED—DECEMBER 30, 1825.)

*Be it enacted by the General Assembly of the State of Indiana,* That Log Lick creek in Switzerland county, from its mouth to William White's mill, Plumb creek, in said county, from its mouth to John Rayley's, and Big Indian creek, in Morgan county, from its mouth to Jacob Cutler's mill, be, and the same are hereby declared public highways.

## CHAPTER XXXVII.

An Act to amend an act entitled, "An act declaring certain streams therein named, public highways"—Approved, January 26, 1824.

(APPROVED—JANUARY 20, 1826.)

Lick creek & Lost river. SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That Lick creek from its mouth, up to its junction with Lost River, and Lost River from its mouth, to the rise at Sherley's mill, be, and the same are hereby declared public highways, and shall be entitled to all the benefits contained in the provisions of the act to which this is an amendment.

SEC. 2. That the act entitled "an act relating to the navigation of the eastern and western branches of White River," approved, February 12, 1825, be, and the same is hereby repealed.

This act to be in force from and after its passage.

## CHAPTER XXXVIII.

An Act to improve the navigation of the Muscatituck Rivers.

(APPROVED—JANUARY 13, 1826.)

Supervisors to be appointed by B. J. SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That it shall be the duty of the several boards of justices of the counties of Jennings, Jefferson, Scott, Washington and Jackson, at their May session, annually, to appoint a suitable number of persons, as supervisors, to superintend the clearing out the obstructions in the Muscatituck rivers, where the same may run through or adjoining their several counties; and it shall be the duty of such supervisors, to call out the persons subject to work on public roads and highways, for a capitation tax, in their several districts, one day in each year, and employ the same in clearing and improving the navigation of the said rivers, within their respective counties.

Persons bound to labor on rivers. SEC. 2. That all persons residing within one mile of the main river Muscatituck, on either side, from the forks thereof at the town of Vernon, to its junction with the Driftwood fork of White River, so far as it may pass through or adjoin to the counties aforesaid; and all persons residing within one mile of Little Muscatituck, from the mouth of Graham's fork, to its junction with the Great Muscatituck, shall work one day on the same, in each year: *Provided however,* That where any person shall reside within one mile of, and between the said rivers, it shall be the duty of such person to work on the main stream.

SEC. 3. That the supervisors and persons subject to work on the rivers aforesaid, shall be subject to the same rules, penalties and forfeitures, for neglect of duty, or failing to perform such service, as supervisors and persons liable to work on public roads and highways are subject to, and they shall be exempt from one days work on roads in each year. This act to be in force from and after its passage.

## CHAPTER XXXIX.

An Act providing for removing the obstructions in the River Patoka.

(APPROVED—DECEMBER 31, 1825.)

*Be it enacted by the General Assembly of the State of Indiana,* That it shall be the duty of the hands subject to work upon public roads and highways, in Patoka township, in Gibson county, and that part of White River township in said county, south of the base line which runs through said township, to perform two days labour each, if so much should be found necessary in removing the obstructions in the river Patoka, between the mouth of said river, and the mills near Columbia, under the direction of supervisors to be appointed by the board of justices of said county, at their May session in each and every year hereafter; for which service such persons shall be entitled to receive a credit for one days work on the public roads, for each and every days labour so performed, in removing the obstructions aforesaid: *Provided also,* That the said board of justices shall have power to allow such supervisors by them so appointed, such compensation, out of the treasury of said county, as to them may seem just and reasonable.

Hands appropriated to remove obstructions.

Supervisors to be appointed.

This act to be in force from and after its passage.

## CHAPTER XL.

An Act to improve the navigation of the East and West Forks of White River.

(APPROVED—JANUARY 21, 1826.)

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the board of justices doing county business, in the counties of Washington, Jackson, Bartholomew, Marion, Morgan, Owen, Greene, Hamilton and Randolph, Boards of justices to appoint supervisors.

at their May session in each and every year, shall appoint a competent number of freeholders, residing within their respective counties, to be supervisors of so much of the east and west forks of White river, as lies within the limits of their respective counties, who shall serve as such supervisors for one year, from and after their appointment: *Provided*, That the board of justices shall appoint supervisors to work the west fork of White river in Randolph county, no further up, than Sample's mill: *Provided also*, That nothing in this act contained, shall prevent any person within the bounds of Randolph county, from erecting a dam across said river, of the height of three feet.

Mode of laboring on the rivers.

SEC. 2. That the board of justices in each of the said counties, at their May session aforesaid, shall lay out that part of said rivers, lying within the limits of their respective counties, into a suitable number of districts, making one district for each supervisor appointed as aforesaid. That it shall be the duty of each supervisor appointed as aforesaid, to call out each and every person living within two miles of each side of said rivers, within his district, who is bound by law to work upon public highways three days in each and every year, to work upon the same within his district, for the purpose of clearing away the timber and other obstructions lying therein, and to do and perform any other work, which may tend to improve the navigation thereof; and each and every person working thereon, as aforesaid, shall receive a credit of two days work on the public highways, in his proper township, upon producing the certificate of the supervisor of his proper district to the supervisor of his proper township, that he has worked two days as aforesaid.

Notice to supervisors, and penalties for failures.

Notice to persons liable to labor, and penalties for failures.

SEC. 3. That each supervisor appointed as aforesaid, shall be notified of his appointment, in the same manner that supervisors of the public highways are notified, and shall in all respects be subject to similar prosecutions and like penalties for a neglect of any of the duties imposed by law. And each person requested to work according to the provisions of this act, failing so to do, shall be subject to the same penalties to which persons failing to work on public highways are now subject, and shall moreover receive the same notice from the supervisor of his proper district, of the time and place of working on said river or stream, that persons who are subject to work on public highways are entitled to receive.

Supervisors to be appointed for Flatrock.

SEC. 4. It shall further be the duty of the board of justices doing county business in Bartholomew, to appoint like supervisors, who shall call out the persons liable to work on public highways, living within two miles of Flat Rock river, to work two days on the same, who, together with said supervisors, shall be governed in all respects by the

preceding sections of this act. And said board of justices may, if they deem it expedient, in like manner appoint supervisors for Haw creek and Clifty, to call out such persons liable to work on public highways, as live within one mile of the former, and two miles of the latter, to work thereon one day according to the provisions aforesaid.

Supervisors may be appointed for Haw creek and Clifty.

## CHAPTER XLI.

An Act providing for ascertaining the expense of supporting the poor annually in this state.

[APPROVED—JANUARY 13, 1826.]

*Be it enacted by the General Assembly of the State of Indiana*, That it shall be the duty of the clerk of the circuit court, in each and every county in this state, on or before the first day of September next, to certify under his hand and seal of office, to the secretary of state, at his office in Indianapolis, an accurate statement of the amount of expenses incurred in his county during one year, next preceding the said first day of September; together with the number and kind of paupers and indigent persons, who receive the charity of their respective counties.

Clerks C. C. to certify to Sec. State amount expended in support of the poor, and number of paupers.

This act to be in force from and after its passage.

## CHAPTER XLII.

An Act amendatory of the Law and for the better advancement of Justice.

[APPROVED—JANUARY 20, 1826.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That no judgment heretofore rendered, shall remain a lien upon real estate, as against bona fide purchasers, or subsequent incumbrancers, for a longer time than ten years, after the first day of January one thousand eight hundred and twenty-six; and that all judgments hereafter to be rendered, shall cease to be a lien upon real estate after the lapse of ten years, from and after the date of the rendition thereof, unless the same be renewed by scire facias, against the judgment debtor, his heir, devisee or terre-tenant, but any time of restraint upon the judgment creditor, by the order or decree of a court of justice, prohibiting execution

Operation of judgments as liens upon real estate regulated.

upon such judgment, shall not be computed as a part of the time aforesaid.

SEC. 2. That, for the benefit of purchasers and others, the clerk of every court of record shall keep a book, in which, during every term of such court, or within thirty days thereafter, he shall docket all judgments rendered at such term, for any sum of money in alphabetical order, by the surname of the party against whom such judgment was rendered; and shall enter therein the names of all the parties thereto, both plaintiffs and defendants, the date of the rendition of the judgment and the amount of debt, damages and costs thereby recovered; and such docketing shall be matter of record, and open to the inspection of all persons, at reasonable times; and the clerk shall be entitled to twelve and a half cents for such docketing, to be taxed in the bill of costs in the suit, upon which judgment was rendered, and if such clerk shall neglect the duty aforesaid, the party injured shall have a right to recover double damages, by action on the case for such injury of such clerk, or by action of debt on the official bond of such clerk, against him and his securities.

SEC. 3. That if after judgment for any debt or sum of money, the judgment debtor should die before execution, the judgment creditor or creditors, shall not be suspended by reason of the non-age of the heir or heirs, devisee or devisees, but no execution shall be issued upon such judgment, until after the lapse of one year from the death of such debtor or debtors.

SEC. 4. That if in any action, there be two or more plaintiffs or defendants, and one or more of them shall die, the action shall not be thereby abated, if the cause of such action survive, but such death being suggested upon the record, the action shall proceed at the suit of the surviving plaintiff or plaintiffs, against the surviving defendant or defendants.

SEC. 5. That all estates tail are hereby abolished, and any person or persons who may hereafter be seized of any estate tail, by devise or grant, shall be deemed to be seized of the same in fee simple absolute.

SEC. 6. That the circuit courts shall have power and authority to issue writs of *dedimus potestatem*, to take depositions in cases in chancery, and libels for divorce, under like regulations and for like purposes, as in cases at law.

SEC. 7. Whenever hereafter any property, real or personal may be exposed to sale, or any sale take place, by virtue of any writ directed to the sheriff or coroner of any county in this state, and the highest bidder or purchaser at such sale, shall neglect or refuse to pay the purchase money, such bidder or purchaser shall be liable, on motion by such sheriff or coroner, on three days notice of such motion,

Clerks to docket judgments.

Their fee there for.

Penalty for failure.

Non age of the heir or devisee of a deceased judgment debtor. Not to suspend execution except for one year.

Death of a co-plaintiff not to abate suits.

Estates tail abolished.

Writs of *dedimus potestatem* in chancery cases. Penalty for not paying money bid at a sale upon execution.

before any court having jurisdiction thereof, for the amount of such bid or purchase money, and ten per centum thereon, together with the costs of such motion, and no stay of execution on such judgment shall be allowed: *Provided*, That nothing in this section shall be so construed as to prevent the sheriff or other officer, who may have exposed such property to sale, from re-exposing the same to sale, on the same or some subsequent day, agreeably to the laws now in force: *And provided also*, That in all cases when such property shall have been re-exposed to sale, the first purchaser shall not be liable to pay the amount bid by him as provided by the foregoing provisions of this section; but such bidder shall be liable to pay the amount which he may have bid, over and above the amount for which said property shall be sold when so re-exposed to sale, together with the additional costs accruing from such re-exposure to sale.

SEC. 8. Whenever hereafter any action may be commenced or pending in any circuit court, or before any justice of the peace of this state, and the defendant or defendants, shall make and file his, her or their affidavit, that he, she, or they verily believe that such plaintiff or plaintiffs, have no just cause of action, claim or demand against the said defendant or defendants, and that they have good reason to believe that said action has been instituted from a disposition to vex, harass or oppress said defendants, and that they do not expect to be able to recover or realize from said plaintiff or plaintiffs, the costs that will or may be adjudged to them in said action, the circuit court or justice of the peace, as the case may be, before whom such action is brought, shall be authorized in their discretion, to exact from such plaintiff or plaintiffs, security for costs in the same manner as if said plaintiff or plaintiffs were non-residents.

SEC. 9. Whenever hereafter any writ shall be executed, and the declaration filed in any case, ten days before the first day of the term of any circuit court, the said case shall stand for trial at that term, whether the writ issued previously to, or after the filing of the declaration in such case.

SEC. 10. Whenever any person or persons who have executed, or shall hereafter execute his, her or their bond or obligation, for the conveyance of any real estate to any person or persons, body politic or corporate, shall die intestate, or without having made the necessary provisions by will, for the conveyance of such estate, it shall be lawful for the obligee or obligees in such bond, or his, her or their assignees to apply to the circuit court of the county in which such real estate lies, to appoint a commissioner to convey the same, in conformity with the conditions of said obligation, by a deed to be by such commissioner executed, of the same tenor and effect as the deceased obligor was

Resident plaintiff may be compelled to give security for costs.

Trial at first term if the writ be executed and the declaration be filed ten days previously.

Mode of conveyance upon bonds outstanding against persons dec'd.

bound to make in his life time: *Provided*, The person or persons making such application as aforesaid, shall first give four weeks personal notice to the heir or heirs of such obligor or obligors, if residents of the state; and if non-residents, three months notice of such application, by advertising the same, three weeks successively in the nearest public newspaper to where the said real estate is situate; and the said commissioner shall, on the first day of the term, next succeeding such appointment, report his proceedings accompanied with the original title bond or obligation; which report, bond and conveyance, shall be entered at full length, upon the records of the said court, unless objection be made by the legal representatives of such deceased obligor; in which case the said conveyance shall be inoperative and of no effect, and the obligee or obligees may file his, her or their bill, on the chancery side of said court, to perfect his, her or their title. The court shall order a reasonable compensation to such commissioner for his services, to be paid by the applicant: *Provided*, The sums so paid, may be recovered at any time thereafter, of the legal representatives of the deceased obligor, if sufficient real or personal estate shall have descended to said representatives, by action of debt or assumpsit brought by said applicant, before any tribunal proper to try the same: *Provided also*, That no applicant shall recover any allowance made as aforesaid, from said representatives, unless the said report, bond and conveyance shall be entered on the records of said court.

Persons aggrieved in settlement of estates may file bill.

SEC. 11. In the settlement of all decedent's estates, either by executors or administrators, any person or persons who may think himself, herself or themselves aggrieved by the settlement thereof, shall be allowed to file his, her or their bill, as the case may require, on the chancery side of the circuit court of the county where the said estate may have been settled, or where such executor or executors, administrator or administrators may be found, requiring such executor or executors, administrator or administrators to answer and set out clear, full and perfect answers to all interrogatories that may be put to them in said bill, relative to the settlement of the said estate, and touching the disbursements thereof, and the said court in which the said bill may be pending, shall proceed to final determination, as in all other chancery causes, and shall make such orders and decrees as law, equity and justice may require.

Operation of writs of supersedeas restricted.

SEC. 12. No writ of supersedeas, granted by the supreme court of this state, restraining any of the circuit courts from proceeding to the execution of any judgment hereafter by them rendered, shall be of any force after four years from and after the time of granting such writ: *Provided*,

The supreme court shall not, during that time have affirmed or reversed such judgment.

SEC. 13. Any writ of supersedeas heretofore granted by the supreme court of this state or of the Indiana territory, shall not restrain the circuit courts from proceeding to the execution of any judgments in such circuit courts, for a longer time than eleven years, from and after the granting of such writ of supersedeas: *Provided*, The supreme court shall not in that time have affirmed or reversed such judgments.

The same.

SEC. 14. Upon application of the party interested to the clerk of the supreme court, he shall certify under his hand and the seal of said court, the time of the expiration of said writs of supersedeas, which certificate shall be evidence of the same and when presented to the circuit court, shall be sufficient authority for said court to proceed to execution of said judgment.

SEC. 15. It shall not be lawful for the supreme court, or any judge thereof, to award a second writ of supersedeas, to stay proceedings on any judgment after the expiration of the time limited by this act for the operation of a writ of supersedeas.

Second supersedeas prohibited.

SEC. 16. In all cases hereafter instituted by or against femes sole, in any court of record in this state, if during the pendency of the same, any such plaintiff or defendant shall marry, said action shall not thereby abate, but upon such marriage, with the name of the husband being suggested on the record, such action shall proceed against or in favor of such husband and wife, and be determined in the same manner as if such marriage had taken place before the commencement of such suit.

Suit not to abate by marriage of feme sole party.

SEC. 17. From and after the first day of December, one thousand eight hundred and twenty-six, every deed and conveyance in the nature of a mortgage, which shall be made and executed within this state, of and concerning any lands, tenements or hereditaments therein, shall be proved and recorded within ninety days after the execution thereof; and if not so proved and recorded, shall be adjudged fraudulent and void, against any subsequent purchaser or mortgagee for valuable consideration, unless such deed or conveyance be recorded before the proving and recording of the deed or conveyance under which such subsequent purchaser or mortgagee shall claim.

Mortgages to be recorded within 90 days.

SEC. 18. The supreme court of the state of Indiana, is hereby authorized to make such allowance to the sheriff of Marion county or other officer, who may attend on said court, as they may deem reasonable for his services while in attendance in term time, as also an allowance for all fuel, stationery and other necessary articles for the use of said court, which may be furnished by said officer; and al-

Sup. court may make allowances to sheriff.

so, to allow to the clerk of said court, any sum they may deem reasonable for record books and stationary by said clerk furnished for the use of said court; which allowance shall be entered on the order book of said court, setting forth specifically for what service or article the allowance was so made, a copy of which order certified by the clerk of said court, shall be sufficient authority for the auditor of state to audit said amount so allowed, and the treasurer shall pay the same, out of any monies appropriated to defray the expenses of the judiciary department.

Compensation to associate judges.

SEC. 19. The associate judges of the circuit courts of this state, shall receive for their services, two dollars per day, while attending the circuit and probate courts thereof, in said capacity, to be paid by the respective counties in which they reside, and in all cases where the associate judges have not received such compensation for said services, the same shall be and is hereby allowed and directed to be paid by the counties respectively: *Provided however*, That no associate judge shall in any case be entitled to be allowed such compensation, but upon producing the certificate of the clerk of the proper circuit court, certifying the number of days such associate judge may have attended the court, and in case he has not received compensation therefor to certify also that additional fact.

Elisors may be appointed.

SEC. 20. The several circuit courts shall have full power and authority to appoint elisors, to serve and execute all manner of writs issuing out of their respective courts, in cases wherein the sheriff and coroner of the proper county, are both parties or are interested and each elisor, when so appointed shall take the same oath, and give like bond before he enters on the duties of his office, that sheriffs have to take and give, and after such elisor shall be so sworn, he shall then have the same authority to execute such writ or writs to the service of which he may be appointed, as the sheriff would have had and shall be liable to the same penalties and be governed in all respects by the same rules and restrictions that sheriffs are bound by in similar cases.

Fines remitted and collected to be returned.

SEC. 21. Whenever hereafter any fine may be assessed against any person or persons, and the same shall have been paid over to the officer or person authorized to collect or receive such fine, the amount of which fine shall be remitted by the Governor; it shall be the duty of the officer or person who may have received the same upon the demand of the person or persons from whom it may have been collected to refund the same to him or them forthwith. The 35th section of an act relative to crime and punishment—approved, January 20th, 1824; and also the 14th section of an act for the better management of the state prison, and for other purposes—approved January 31, 1824; be, and the same are hereby repealed.

Repeal.

SEC. 22. That hereafter when any person may appeal from the judgment of a justice of the peace, to the circuit court, agreeably to the 17th section of the act entitled, "An act regulating the jurisdiction and duties of justices of the peace"—approved, January 30th, 1824; it shall be the duty of the justice of the peace granting such appeal, to cause the transcript, bond and other papers connected with such suit, to be delivered to the clerk of the proper circuit court, within thirty days after the granting of such appeal, whose duty it is hereby made to file and docket the same immediately upon the receipt thereof. So much of the 17th section of the above named act, as comes within the purview of this act, be, and the same is hereby repealed.

J. P. to file transcripts in appeals.

SEC. 23. That in the appointment of guardians of minors, for the protection of their persons and estates, it shall not be lawful for the circuit court, or court of probate, to appoint as guardian of any such minor, any person who is the executor or administrator of the estate in which such minor is interested.

Ex'r. or adm'r. not to be guardians.

SEC. 24. That in all cases where judgment has been rendered or may hereafter be rendered, in any of the circuit courts in this state against any executor or administrator, to be levied of the goods and chattels of the intestate or testator, and there is not a sufficiency of goods and chattels to satisfy the same; and where the heirs or devisees of such decedent are not residents of this state, the judgment creditor may file a petition in the circuit court, where such judgment may have been rendered, praying that execution may be awarded on such judgment against the real estate of such decedent, and give notice to the heirs or devisees generally of such decedent, of the pendency of such petition, in some newspaper printed in the county where such judgment was rendered, or if no paper be printed therein, then in some newspaper printed nearest thereto, for four weeks successively, and the circuit court on satisfactory proof being made of such notice, shall proceed to hear and determine upon the same, and execution award on such judgment, against the lands and tenements, whereof such decedent was seized at the time of his death, unless good cause to the contrary be shewn by the heirs or devisees of such decedent.

Remedy against non-resident heirs, &c.

## CHAPTER XLIII.

An Act to provide for printing and distributing the acts, joint resolutions and journals of the present General Assembly.

[APPROVED—JANUARY 21, 1926.]

Copies, marginal notes & index to be made.

No. to be printed.

Name of governor &c. not to be printed.

Mode of certifying printers claim.

Mode of distributing of the laws.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That it shall be the duty of the secretary of state, to make an index and marginal notes to the acts and joint resolutions passed at the present session of the General Assembly, as soon as possible, and as early as convenient to furnish the state printer with true copies of the said acts and joint resolutions, together with the index and marginal notes thereto, who shall thereupon proceed without delay, agreeably to his contract, relative thereto, to print twenty-six hundred copies of said acts and joint resolutions, with the marginal notes thereto, and when so printed, shall by him be put up in pamphlet form and stitched.

SEC. 2. In printing the acts and joint resolutions aforesaid, the name of the Governor, president of the senate and speaker of the house of representatives, shall be omitted; but immediately after the title of the act or joint resolution, the time of the approval thereof shall be printed.

SEC. 3. So soon as the said printing shall be completed, and the copies delivered to the secretary of state, he shall give to said printer a certificate containing a detailed account of all the printing done by said printer, for the state and not paid for, together with the total amount due therefor; which certificate, under the hand and seal of such secretary, shall be a sufficient voucher for the auditor of public accounts to audit the same, and give to such printer a warrant on the treasury for the same; which the treasurer of state shall pay out of any money in the treasury not otherwise appropriated.

SEC. 4. The copies of the acts and joint resolutions, when printed and delivered to the secretary of state, shall be distributed as follows, to wit: To the Governor, Lieutenant Governor, secretary of state, auditor and treasurer of state, one copy each; the United States judge for the district of Indiana, the judges of the supreme court and the president judges of the several circuits, each one copy; the circuit prosecuting attorneys each one copy, the several states and territories of the United States, such number not exceeding three, as is received at the secretary's office from them respectively; the members of the senate and house of representatives, the secretaries, clerks, sergeant-at arms of the senate, and door keepers of their respective houses, each one copy, and the secretary of state shall deliver and forward the same to the aforesaid persons by mail or otherwise, noting the same in a book to be by him kept for that purpose: *Provided however*, That the copies of the

laws and journals to be sent to the members of the present General Assembly, their secretaries, clerks and doorkeepers, shall be distributed as provided by the seventh section of this act, and shall be deposited with the clerks of the counties where the persons entitled thereto may respectively reside.

SEC. 5. The other copies of the laws not disposed of as aforesaid, shall be distributed as follows, to wit: The counties of Harrison, Clark, Jefferson, Dearborn, Franklin, Wayne, Washington, Orange, Knox and Switzerland, each 50 copies; to the counties of Fayette, Union, Jackson, Lawrence, Monroe, Sullivan, Vigo, Gibson, Posey, Rush and Marion, each forty-five copies; to the counties of Randolph, Ripley, Jennings, Scott, Floyd, Bartholomew, Crawford, Dubois, Vanderburgh, Warrick, Spencer, Perry, Morgan, Shelby, Putnam, Henry, Decatur, Montgomery, Daviess, Martin, Parke, Pike, Greene, Owen, Clay, Madison, Hamilton, Hendricks, Johnson, Vermillion, Allen, Fountain, and all the new counties which may be formed at the present session, each thirty-five copies; together with 12 copies of the revised laws of 1823-24 to the county of Owen; that number not having been received by said county, of their quota of that year; and the said volumes, so to be delivered, shall be delivered to the clerks of the said several counties, and said clerks shall distribute the same as follows, to wit: to the associate judges, justices of the peace, clerks of the circuit courts, recorders, sheriffs and coroners, each one volume.

SEC. 6. The copies of the journals of each house, shall be distributed in equal proportions among the members of their respective houses, that is, to the members of each house its own journals, which said journals shall be delivered to the clerks of the several counties in the same way, time and place that the aforesaid volumes of the acts and joint resolutions are to be delivered; and the said clerks, on receipt thereof, shall deliver the same to the members for whom they were intended; and the secretary of state shall carefully reserve, and file away in his office, all the volumes of the acts and joint resolutions, together with fifty copies of the journals of each house, not otherwise disposed of by this act.

SEC. 7. The secretary of state, auditor and treasurer, or a majority of them, are hereby required to contract with some suitable person or persons, immediately to convey and deliver the several volumes of the aforesaid acts, joint resolutions and journals, to the several places, counties and persons pointed out by this act, taking bond and security of such undertakers, for the performance of the contract; and so soon as said undertakers shall produce to the secretary of state, the receipt of the several clerks authorized to re-

Mode of distribution continued.

Mode of distribution of the journals.

Contract for distribution.

ceive the acts and journals aforesaid, setting forth that the proper number of volumes of the acts and journals have been delivered in good order, the said secretary shall then certify, under his hand, that such undertakers have performed their contract, and the amount that is due to him or them in consideration thereof; which certificate shall be a sufficient voucher for the auditor of public accounts, to give to such undertaker, an audited warrant therefor, the amount of which shall be paid by the treasurer of state, out of any monies in the treasury not otherwise appropriated.

Compensation therefor.

Sec'y of state to superintend printing.

SEC. 8. It shall be the duty of the secretary of state to superintend the printing of the acts and joint resolutions of the General Assembly, and to correct the same by the enrolled bills in his office; and when the printing of the same shall be finished, to certify the fact of his having compared, and found the same correct; which certificate shall be signed and dated by the secretary, and annexed in print, to the volume of the acts and joint resolutions.

Publication of laws.

SEC. 9. It is hereby made the duty of the clerks of the circuit court of each county, to make a record of the day and date of the reception of the acts and joint resolutions, as above authorized, in his office, which record shall be preserved by him, and shall be deemed and taken as the time of the publication of the said laws within said county. This act to be in force from and after its passage.

#### CHAPTER XLIV.

An Act concerning Prosecuting Attorneys.

[APPROVED—JANUARY 20, 1826.]

Circuit prosecuting attorneys to be appointed.

Their salary.

Special duty, and compensation of prosecuting attorney of the 5th circuit.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That there shall hereafter be appointed one prosecuting attorney, for each judicial circuit within this state, whose duty it shall be to prosecute all pleas of the state on the criminal side of the court, which shall arise within said circuit, and shall receive for his salary, two hundred dollars, and shall be appointed by the Governor, by and with the advice and consent of the senate, and to continue in office two years, commencing on the first Monday in August next succeeding such appointment.

SEC. 2. The prosecuting attorney of the fifth judicial circuit, shall be compelled to superintend and prosecute or defend, on the part of the state, all pleas whatsoever that may be appealed, or brought up by writ of error, to the supreme court, and shall receive an additional sum of fifty dollars per annum for such services; and the said circuit prosecu-

tors in this state, shall be, and are hereby made subject to all the duties heretofore imposed, and to be governed in all respects by the laws now in force.

SEC. 3. That whenever a vacancy shall happen, by the death, resignation or removal from office, of the prosecutor in any circuit, it shall be the duty of the Governor to appoint some fit person to fill such vacancy, until the next meeting of the General Assembly.

Vacancies to be filled by appointment.

SEC. 4. That from and after the taking effect of this act, when any defendant or defendants, arraigned upon presentment or indictment, in any of the circuit courts, shall plead guilty to the same, the fee to the prosecutor in such case, shall be only two dollars and fifty cents.

Pros. atto. to recover \$2 50 upon pleas of guilty.

#### CHAPTER XLV.

An Act for the relief of the Collectors of the counties of Shelby, Switzerland, Washington and Jefferson.

[APPROVED—JANUARY 20, 1826.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the collector of Shelby county be authorized to have further time for collecting and paying over to the state and county treasurers, the revenue of said county for the year 1825, which shall extend to the first day of April 1826; and if the said collector shall, on or before the said first day of April, pay into the state treasury, the revenue due for the year 1825, all forfeitures and per centage for not paying the same into the treasury before, shall be remitted.

Time for collection and payment extended to collector of Shelby.

SEC. 2. That James H. Wallace, the collector of Jefferson county for the year 1825, be authorized to levy and collect the state and county revenue for the county of Jefferson, for the year 1825, any time prior to the second Monday in November 1826: *Provided,* That he shall, on or before the first day of May next, and before he proceed to levy as above authorized, call upon each and every person who shall be indebted, for the revenue as aforesaid, and demand the amount so due and unpaid.

Extension of time for collection and payment to collector of Jefferson.

SEC. 3. That a further time until the fifteenth day of May next, is hereby given to said collector to pay the balance of the state revenue of said county, into the state treasury; and all forfeitures and per centage, incurred by a failure to pay the state revenue of said county into the state treasury as directed by law, is hereby remitted: *Provided,* if the said collector shall fail to pay the balance of the state revenue for said county, on or before the fifteenth day of May next, he shall be liable to all the forfeitures and per

Remission of forfeiture for non-payment to collector of Jefferson.

centage for such failure, as is provided by the act entitled, "an act to amend an act for assessing and collecting the revenue"—Approved, February 12, 1825.

Remission to  
sheriff of Swit-  
zerland.

SEC. 4. That the forfeiture and per centum, imposed against the sheriff or collector of Switzerland county, for the deficit in the revenue for the years one thousand eight hundred and twenty-four, and one thousand eight hundred and twenty-five, be, and the same is hereby remitted; and that said sheriff or collector be, and he is hereby authorized to call once at the usual place of residence of resident persons charged with taxes, and which remain unpaid for the years aforesaid, on or before the first day of March next, to receive the same; and if the said taxes are not paid to him on or before that time, the said sheriff or collector of Switzerland county, is hereby authorized to distrain and sell, agreeably to the laws now in force.

Time for col-  
lection exten-  
ded to sh'ff of  
Switzerland.

SEC. 5. That said sheriff or collector of Switzerland county be, and he is hereby authorized to fix any time for the sale of goods, chattels, lands or town lots, of residents or non-residents, on which the taxes for either of the years 1824 or 1825 may not be paid as aforesaid, by giving the notice required by the act entitled, "an act for assessing and collecting the revenue"—Approved, January 30, 1824; and the said sheriff or collector of Switzerland county, shall account for, and pay over all the monies with which he is chargable, and settle all his accounts with the treasurer of state, on or before the first day of July next.

Time for sale  
extended.

Time for col-  
lection exten-  
ded to collec-  
tor of Wash-  
ington.

SEC. 6. That Noah Wright, sheriff and collector of Washington county for the year 1825, be authorized to levy and collect the revenue of Washington county for the year 1825, any time prior to the second Monday of November next.

## CHAPTER XLVI.

An Act providing for the payment of the balance due to the contractors for building the Court-House at Indianapolis.

[APPROVED—JANUARY 21, 1826.]

Treasurer to  
pay certain  
monies to  
Paxton and  
Baker.

Be it enacted by the General Assembly of the State of Indiana, That the treasurer of state be, and he is hereby authorized and directed to pay to the order of Paxton and Baker, the contractors for building the court-house at Indianapolis, or to the orders heretofore given by them, on the agent for the state at Indianapolis, which have not been paid, the sum of nine hundred and fifteen dollars and ninety-seven cents, out of the money in his hands, which has been paid over to him from said agency, of the proceeds of the sales of lots in In-

dianapolis; that being the amount due to said Paxton and Baker, for the erection of said building, as appears from the late report of the treasurer of state: *Provided*, the treasurer do, and he is hereby authorized to retain a sum sufficient to complete the contract entered into under the law, hereby authorized to be paid, until he be satisfied that the contract be fulfilled, and all the work required, done.

This act to be in force from and after its passage.

## CHAPTER XLVII.

An Act for the relief of the purchasers of lots in the town of Indianapolis.

[APPROVED—JANUARY 20, 1826.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That in all cases where lots in the town of Indianapolis have been purchased of the state, prior to the 31st day of October 1821, it shall be lawful for the purchaser of any such lot or lots, or other person or persons being the holder of any certificate of purchase, by transfer or otherwise, on or before the 30th day of June next, to file with the agent of the state for the town of Indianapolis, a relinquishment, in writing, of any lot or lots, so purchased as aforesaid, upon which payment of the whole of the instalments thereon have not been completed; and all sums, paid on account of any such lot or lots, so relinquished, shall be applied towards the discharge of any instalments due and payable on such lot or lots, so purchased, as shall not have been relinquished, and shall be so applied as to complete the payment on some one or more lot or lots, where the payments by transfer shall be sufficient for that purpose: *Provided*, that no person shall have the benefit of this act, unless the person or persons so relinquishing, shall, either by transfer or cash, make full and complete payment on the lot or lots, by such person or persons wished to be retained: *And provided also*, That the right of relinquishment hereby given, shall in no case authorize the party so relinquishing, to claim any re-payment from the state.

Purchasers of  
lots and hold-  
ers of certifi-  
cates, may re-  
linquish in  
payment of  
other lots.

The benefit of  
this act re-  
stricted to  
those making  
complete pay-  
ment.  
No re-pay-  
ment to be  
claimed from  
the state.

SEC. 2. That no lot or lots in the said town of Indianapolis, purchased of the state prior to the said 31st day of October 1821, shall be considered as forfeited to the state, for failure in completing the payments thereon, until the 31st day of October 1826, and in all cases where complete payment shall be made on any lot on or before the said 31st day of October 1826, the interest due on the sum remaining unpaid, shall be remitted: *Provided*, that nothing herein contained, shall authorize a remission of interest upon

Forfeiture &  
interest remit-  
ted on condi-  
tions.

payments made by a transfer of former payments, under the provisions of the first section of this act.

Forfeiture for non-payment.

SEC. 3. That for failure to pay the several debts and instalments, which may be due on any lot or lots, purchased prior to the 31st day of October 1821, in manner aforesaid, on or before the 31st day of October 1826, the several lot or lots, so purchased or held by the respective persons so indebted, and failing to pay as aforesaid, shall *ipso facto*, become forfeited, and revert to the state: *Provided*, that so much of the act entitled, "an act appointing commissioners to lay off a town on the site selected for the permanent seat of government"—approved, January 6, 1821, as authorizes the agent of the state, for the town of Indianapolis, to advertise and expose to sale lots, which may become forfeited to the state, be, and the same is hereby repealed.

Repeal.

Agent to keep a record, and make report of their proceedings under this act.

SEC. 4. That it shall be the duty of the said agent to prescribe the manner and form of the declaration of relinquishment, in which the party relinquishing shall express his consent to the provisions of this act, together with a full and absolute relinquishment to the state of Indiana, of all claim or title, which such party may have to the lot or lots so relinquished; which relinquishments, the said agent shall receive and file, and keep a full and faithful account and record, of all proceedings under this act, and report the same to the next General Assembly, distinguishing the number of lots so relinquished, and the number on which complete payment has been made, whether by transfer or otherwise, and for each declaration of relinquishment, made under the provisions of this act, the said agent shall be entitled to receive the sum of fifty cents, to be paid by the party making the same.

This act to be in force, from and after its passage.

#### CHAPTER XLVIII.

An Act for the relief of Benjamin F. Barker and Henry Waggoner, and for other purposes.

[APPROVED—DECEMBER 26, 1825.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the commissioners of the state road leading from Evansville in Vanderburgh county, to Terre Haute in Vigo county, be, and they are hereby authorized and required to pay to Benjamin F. Barker and Henry Waggoner, such further sum of money as John I. Neely and Samuel Emmerson, commissioners on said road, and

Additional allowance to Barker and Waggoner.

the Hon. James R. E. Goodlett, shall deem just and equitable; and that they shall meet for that purpose, at the court-house in Princeton, on the third Monday in February next: *Provided*, That if they shall not all attend, two only shall be sufficient to act, as an additional compensation for building a bridge over Big Pigeon creek, out of any money they may now have, or which may hereafter come into their hands, out of the three per cent. fund originally appropriated for opening said road, not otherwise appropriated: *Provided*, That the provisions in this act contained, shall not be so construed as to embrace any portion of the three per cent. fund, originally or at any time allotted to that part of the state road leading from Evansville to Terre Haute, which lies north of White river.

Restriction.

SEC. 2. The commissioners of the road leading from Rockport to Bloomington, are hereby authorized to allow to John E. Cotton, the contractor for building a bridge across Patoka creek, such additional sum, beyond the price agreed upon, as he shall shew himself in equity and justice entitled to, in consideration of the said Cotton's having built a better and more permanent bridge than his contract required; and said commissioners shall give him a draft for such additional allowance, on the agent of the three per cent. fund, to be paid out of the proportion of said fund, which justly belongs to said road leading from Rockport to Bloomington.

Additional allowance to Cotton.

This act to take effect and be in force, from and after its passage.

#### CHAPTER XLIX.

An Act for the relief of Alexander Dick.

[APPROVED—DECEMBER 26, 1825.]

*Be it enacted by the General Assembly of the State of Indiana*, That Alexander Dick, a purchaser of one quarter section of land in the seminary township in Gibson county, be, and he is hereby authorized to relinquish the west half of said quarter section; and that he be entitled to receive a deed to the east half of said quarter section, agreeably to the provisions of the law, under which the said purchase was made, in the same manner as if the purchase had been made for the said east half of the said quarter section alone.

## CHAPTER L.

An Act for the relief of Jonathan Gifford and others.

(APPROVED—DECEMBER 31, 1825.)

WHEREAS, This General Assembly are informed that the superintendent of the French Lick reserve in Orange county, has heretofore leased the south-east quarter of section thirty-four, town one north, range two west, in the Vincennes district, situate in said reserve, to Jonathan Gifford, and taken bond from him and Abraham Bosley and Stephen Elrod, his securities, as the law directs: And whereas, it is represented that the said Gifford has been prevented by sickness, and a wound in one of his hands, from complying strictly with the conditions of the bond aforesaid, and wishes relief for a non-compliance with his contract: Therefore,

*Be it enacted by the General Assembly of the State of Indiana,* That the said Jonathan Gifford, with his securities aforesaid, be, and they are hereby discharged from all penalties and forfeitures incurred by the failure aforesaid, and that the said lease, and all obligations connected with it, be, and the same are hereby annulled.

This act to take effect from and after its passage.

## CHAPTER LI.

An Act for the benefit of William Reed.

[APPROVED—JANUARY 7, 1826.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the title made by Andrew Fulton, who is supposed to be an alien, to William Reed, by deed in fee simple, dated the fourth day of March, one thousand eight hundred and eighteen, for four hundred and forty acres of land, being the fractional section numbered thirty, township numbered three, north of range ten east, of the lands offered for sale in the Jeffersonville district, be, and the same is hereby confirmed, as fully and completely as though the said Andrew Fulton had been a natural born citizen; and that the aforesaid deed be taken and deemed sufficient to convey to the said Reed, all the title of him the said Fulton to the aforesaid tract of land, as fully and completely, as if the said Fulton at the time of the conveyance aforesaid had been a naturalized citizen of the United States, and of the state of Indiana.

SEC. 2. That all the right, title and claim, by escheat,

Relief.

Title confirmed.

that the state of Indiana may have in, to or over the property described in the first section of the act, be, and the same is hereby relinquished unto the said William Reed and to his heirs and assigns forever.

Claim of the state to a right of escheat relinquished.

## CHAPTER LII.

An Act for the relief of William Youse, former sheriff of Union county.

(APPROVED—DECEMBER 31, 1825.)

WHEREAS, It is represented to this General Assembly that William Youse, collector of the revenue of Union county for the year 1821, was compelled to pay into the treasury of said county, certain monies for which he should have been allowed a credit as delinquents: And whereas, it is further represented that the board of justices of said county, think they are not authorized by law to make any allowance at this time, for said delinquencies: For remedy whereof,

*Be it enacted by the General Assembly of the State of Indiana,* That the board of justices of Union county be, and they are hereby authorized to credit and allow to the said William Youse, whatever sum he may be able to satisfy them he has so paid, for which he ought to have had a credit in the year 1821, on account of delinquents, together with such damages as the said William has sustained by paying the same.

This act to take effect, and be in force from and after its passage.

## CHAPTER LIII.

An Act for the relief of Samuel M'George.

[APPROVED—JANUARY 21, 1826.]

*Be it enacted by the General Assembly of the State of Indiana,* That Samuel M'George, have a further time until the first day of January 1829, for the payment of a debt due from him to the state, for a lease of a certain piece of ground, known by the name of the east half of the large field on the donation, which debt amounts to ninety dollars: *Provided,* That said M'George shall give bond and security, satisfactory to the agent of the state for Indianapolis, for the payment of said debt, with interest thereon, on the first day of January 1829.

Relief.

## CHAPTER LIV.

An Act for the relief of the Trustees of School Section No. 16, Township 14, in Range No. 13 East, in Fayette county.

[APPROVED—JANUARY 16, 1826.]

WHEREAS, It has been represented to this General Assembly that Aaron Houghman, Charles Hubbard and Aaron Delabar, trustees of the school section numbered 16, in township 14, of range No. 13 east, lying in Fayette county, having been appointed trustees as aforesaid, agreeably to the provisions of the act entitled, "An act incorporating congressional townships, and providing for public schools therein"—approved, January 31, 1824, did, on the ninth day of April 1825, by virtue of their offices as trustees as aforesaid, lease out for ninety-nine years, the above described school section, to different persons agreeably to the provisions of said recited act, not knowing that that part of said recited act under which they executed the lease or leases aforesaid, was restricted to ten years: For remedy whereof,

Proceedings  
of trustees in  
leasing, de-  
clared valid.

*Be it enacted by the General Assembly of the State of Indiana,* That the proceedings of the aforesaid trustees, so far as they may relate to the leasing of the above mentioned school section, be, and they are hereby legalized, and declared to be as valid in law and equity, as if the restriction act of 1825 had never been passed.

This act to take effect, and be in force from and after its passage.

## CHAPTER LV.

An Act for the relief of the heirs of Benjamin Warner, deceased, and for other purposes.

[APPROVED—JANUARY 15, 1826.]

Relief to  
Warner's  
heirs.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That it shall be lawful for the heirs of Benjamin Warner, deceased, by their guardian, agent or attorney, at any time within twelve months from the passage of this act, to file in the Clark circuit court, their petition for the assessment of the damages by them sustained, in consequence of the state road from M'Donald's ferry, on the Ohio river, in the county of Clark, to Brownstown, in the county of Jackson, crossing a certain tract of land owned by them, the said heirs; and the said circuit court shall proceed to act and determine upon the same, under the provisions of the first section of the act entitled, "an act to provide for

the altering of state roads, and for other purposes"—approved, January 9, 1823, in like manner as if their petition had been filed within the time limited by the said first section; any thing therein contained, to the contrary notwithstanding.

SEC. 2. That it shall be lawful for Elizabeth Long, of Washington county, at any time within twelve months from the taking effect of this act, to file in the circuit court of the said county, her petition for the assessment of the damages by her sustained, in consequence of the state road from Mauk's ferry to Indianapolis, running through the farm of the said Elizabeth; and the said circuit court shall proceed to act and determine on the same, in the manner provided for in the first section of this act.

Relief to Elizabeth Long.

SEC. 3. In all cases where any person shall have been, or may hereafter be allowed damages, in consequence of any state road, the laying off of which was authorized by the act authorizing the laying off of certain state roads, and appropriating one hundred thousand dollars of the fund commonly called the three per cent. fund, for opening said roads—approved, December 31, 1821, running through his or her land, in consequence of any law heretofore in force, such person shall be authorized to produce the certificate of the clerk of the circuit court in which such damages were allowed, to the agent of the three per cent. fund, whose duty it shall be, on the production of said certificate, to pay over to the holder thereof, the amount so allowed and certified, out of the first monies that may be in his hands allotted to the said road.

Relief of persons to whom allowances for damage have been made.

This act to take effect, and be in force from and after its passage.

## CHAPTER LVI.

An Act for the benefit of the securities of N. W. Marks, late sheriff of Rush county.

[APPROVED—JANUARY 19, 1826.]

*Be it enacted by the General Assembly of the State of Indiana,* That the securities of Nathaniel W. Marks, late collector of Rush county, be, and they are hereby authorized and empowered, to collect all monies due said collector from the said county, for the years 1822, 1823 and 1824, and pay the same over to the treasurer of state, so far as the same may be due to the state, and to pay over to the treasurer of the county of Rush, what is due from the said collector to the said county, for the years aforesaid.

Securities may collect taxes due, &c.

This act to take effect, and be in force from and after its passage.

## CHAPTER LVII.

An Act for the relief of Revolutionary Soldiers.

[APPROVED—JANUARY 17, 1826.]

Revolutionary soldiers exempt from poll tax and tax upon personal property.

Be it enacted by the General Assembly of the State of Indiana, That all persons who have served in the land or naval service of the United States, during the revolutionary war, be, and they are hereby exempt from the payment of a poll tax, and a tax upon personal property: *Provided*, that each revolutionary soldier, before he shall be entitled to the benefit of this act, shall produce to the lister of taxable property, or the collector of taxes for the county or township where he resides, an affidavit, sworn to before some justice of the peace in said county or township, setting forth that he has served in the land or naval service of the United States, during the revolutionary war, three months or upwards; for the taking of which affidavit, the justice shall not be entitled to receive any fee or compensation whatever.

## CHAPTER LVIII.

An Act amendatory of the several acts for assessing and collecting the Revenue.

[APPROVED—JANUARY 21, 1826.]

Collectors may appoint deputies.

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That each and every collector of either the state or county revenue, is hereby authorized to appoint as many deputies as he may think proper, who shall be sworn, and shall possess the same powers and authority, and be governed by the same rules and regulations as his principal; such principal being at all times, responsible for the acts of such deputy; and should such deputy fail to pay over any monies collected by him as such, for state or county revenue, such principal is hereby authorized to proceed against him in the same summary manner, as is provided for proceedings against collectors in like cases.

Clerks to publish delinquent list.

SEC. 2. It is hereby made the duty of the clerks of the several boards of justices, in their respective counties, to make out four copies of the delinquent list, as returned by the collectors of their respective counties, one of which they shall cause to be put up in some conspicuous place in their offices, and shall keep the same up at least twelve months; and shall cause three other copies thereof to be posted up, in three of the most public places in their counties, within ten days from receiving the said delinquent list: *Provided*, that it shall be lawful for any collector, to proceed to levy

and sell property, on all delinquent lists, within ten days after receiving the same: *Provided however*, That the board of justices in any county, may, if they should deem it necessary, cause to be printed and circulated through their county, any number not exceeding fifty copies of such delinquent list. Delinquent list to be collected.

SEC. 3. All persons subject to pay taxes, shall, when called on for that purpose, by the proper lister, deliver a list of his or their property, to said lister, under a penalty not exceeding fifty dollars, for refusing to give in such list, or for giving in a false or fraudulent list, to be recovered by presentment or indictment, in any court having jurisdiction thereof. So much of the act to which this is amendatory, as authorizes the lister to administer an oath to all persons giving in a list of their taxable property, be, and the same is hereby repealed. Penalty for refusing to deliver list of property, or delivering a false list. Repeal.

SEC. 4. So much of the act for assessing and collecting the revenue, as requires listers and collectors to keep separate and distinct rolls for state and county revenue, be, and the same is hereby repealed: and all sheriffs and collectors heretofore appointed, shall have full power and authority, to collect all taxes, fines or fees, owing or due to them, in the same manner as they could have done while or during their appointment. Repeal. Sheriffs and collectors may collect taxes, fines and costs &c.

SEC. 5. That hereafter, no other fee or charge shall be allowed to collectors for advertising property, in a public paper, for non-payment of taxes, than so much as is usually charged per square, for other advertisements; which sum shall be allowed such collector, by the treasurer of state, upon the settlement of the duplicate; any regulation to the contrary, notwithstanding. Collectors' fee for advertising.

SEC. 6. It shall be the duty of every collector, to call once at the most usual and best known residence of each and every person charged in his duplicate, with state and county revenue, on or before the first day of September annually: *Provided however*, That a demand made at any other time or place within the proper county, shall be deemed a sufficient demand. Demand of revenue how made.

SEC. 7. All laws which authorize the boards of justices in the several counties of this state, to levy a poll tax for county purposes, be, and the same are hereby repealed: *Provided*, That this repealing clause shall not be so construed as to prohibit the boards of justices in those counties belonging to the New-Purchase, except in the county of Bartholomew, from assessing a tax, not exceeding fifty cents, on each poll. Repeal of poll tax for county purposes, except in the new purchase.

## CHAPTER LIX.

An Act providing the mode of opening and repairing public roads and highways in certain counties therein named.

(APPROVED—JANUARY 21, 1826.)

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That in the following counties in this state, to wit: in Harrison, Crawford, Perry, Spencer, Posey, Gibson, Pike, Dubois, Lawrence, Monroe, Sullivan, Orange, Randolph, Union, Vanderburgh and Warrick, each and every able bodied male person of the age of twenty-one years, and under fifty, preachers of the gospel, ferrymen and such other persons as shall, for good cause, be excused by the boards of justices doing county business, excepted, shall be subject to work on roads and highways, in the road district in which he resides, whenever the supervisor of the district shall consider it necessary; and if any such person, having had three days notice of the time and place allotted for working any road or highway in his district, shall neglect or refuse to attend in person, or by substitute, satisfactory to the supervisor, at the time and place appointed within said district, with an axe, spade or such other tool or instrument, as the supervisor may direct, or having attended, shall neglect or refuse to obey the supervisor, or spend his time in idleness and neglect of the duty assigned him, he shall forfeit the sum of fifty cents for each day's default, to be recovered by action of debt, in the name of the supervisor, before any justice of the peace of the county where such delinquent resides, or may be found; which sum the said supervisor shall be accountable for, and which shall be appropriated and expended in repairing the roads in his district.

SEC. 2. Every person who shall, at the request of the supervisor of his road district, furnish a plough or wagon, with a pair of horses or oxen and driver, and with them perform one or more days work, shall for each days work so performed, receive a credit of three days work, and so in proportion for services of a similar kind, with greater and less force. In cases where the supervisor has not an opportunity of giving a personal notice of the time and place allotted for such work, a written notice of such allotment, left at the dwelling house or usual place of residence of the party, shall be deemed sufficient.

SEC. 3. It shall be the duty of the boards of justices, in each of the counties named in the first section of this act, at the time they appoint supervisors of roads, to designate for each of them, the roads and hands confided to his superintendence: *Provided however,* That if the board of justices in any of the counties aforesaid, should deem it inexpedient, for the benefit of such counties, to proceed under the provisions of this act, then, and in such case, they shall proceed

Hands to work whenever required by the supervisor

Penalty for failure.

Penalties appropriated.

Persons furnishing teams, to be allowed accordingly.

Notice.

Districts to be assigned to supervisors.

Boards of justices may proceed under the former laws.

to cause the roads within their respective counties, to be opened and kept in repair; agreeably to the provisions of the laws heretofore in force on that subject.

This act to be in force from and after its publication in the counties named in the first section of this act; any law, usage or custom, to the contrary notwithstanding.

## CHAPTER LX.

An Act to establish a state road from Liberty in Union county, to Newcastle in Henry county.

(APPROVED—JANUARY 17, 1826.)

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That Mathias Foster of Union county, George Cornelius of Wayne county, and William Shannon of Henry county, be, and they are hereby appointed commissioners to view and mark a state road from Liberty in Union county, on the nearest route to Newcastle in Henry county, commencing at the said town of Liberty; thence to Abington; thence to Centreville; thence to Jacksonsburgh, and thence to Newcastle in Henry county, so as to intersect said town at the east end of Broadway.

SEC. 2. The said commissioners shall meet at the said town of Liberty, on the first Monday in May next, or on any day thereafter that may be agreed upon by a majority of said commissioners; and after taking an oath, faithfully and impartially to discharge the duties enjoined on them by this act, shall proceed to view and mark said road; and shall, within thirty days after the location thereof, cause a report of the same to be filed in each of the clerk's offices of the several counties through which the same may pass; which report, shall by the said clerks, within ten days thereafter, be recorded in the record book of the proceedings of the several boards of justices respectively.

SEC. 3. It shall be the duty of the boards of justices of their respective counties, at their first meeting after the location of the said road, to cause the same to be opened any width not exceeding thirty-three feet, and made agreeably to, and under the provisions of the several acts that now are or that may hereafter be in force, for opening and repairing public roads and highways.

SEC. 4. Should any vacancy happen by death, resignation or refusal to qualify, of either of the commissioners appointed by this act, it shall be the duty of the board of justices of the county in which such commissioner resides or resided, to appoint some suitable person to fill such vacancy.

Commissioners named.

Road from Liberty to Newcastle.

Time & place of meeting.

Com'rs to establish the road & make report thereof.

Roads to be opened by counties.

Vacancies.

Compensation to com'rs.

SEC. 5. It is hereby made the duty of the boards of justices in each of the aforesaid counties of Union, Wayne and Henry, to allow to each of the commissioners of their respective counties, such compensation in consideration of the services to be rendered under the provisions of this act, as they may deem just and reasonable, to be paid out of any monies in their county treasuries respectively, not otherwise appropriated.

### CHAPTER LXI.

An Act establishing a state road from Rockport to Boonville.

[APPROVED—JANUARY 20, 1826.]

*Be it enacted by the General Assembly of the State of Indiana,* That the county road from Rockport to Boonville, be, and the same is hereby established a state road, and placed upon the same footing as other state roads.

### CHAPTER LXII.

An Act to provide for the continuation of the survey of the state road from Terre-Haute to Fort Wayne.

[APPROVED—JANUARY 19, 1826.]

*Be it enacted by the General Assembly of the State of Indiana,* That the commissioners appointed by the act to locate a state road from Terre-Haute to Fort Wayne, approved, January 11th, 1823, or a majority of them be, and they are hereby authorized and required, to meet at such time and place as they may select, and to continue the survey and location of said road, according to the provisions of the said act: *Provided however,* That the said commissioners shall not be compelled to enter upon the duties herein prescribed, until the boards of justices of the several counties through which the said road will pass, shall make due appropriation out of their respective county treasuries, to meet the expenses of such survey and location in equitable proportion with the other counties through which said road may pass; which appropriation, the said boards of justices are authorized and required to make, on an application signed by at least thirty citizens of their county, being freeholders.

Time & place when com'rs shall meet.

Expenses how paid.

### CHAPTER LXIII.

An Act establishing certain roads therein named.

[APPROVED—JANUARY 19, 1826.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That a road from Stipp's hill where the state road leading from Brookville to Indianapolis, strikes the same, to Drake's mill in Shelby county, thence to Edinburgh, thence to Bloomington, by the way of the salt works, be, and the same is hereby established as a public highway; and Harvey Pope of Shelby county, John Bryson and Nathan Lewis of Decatur county, be, and they are hereby appointed commissioners to locate the same.

From Stipp's hill to Bloomington.

Com'rs.

SEC. 2. That a road from Rushville to Shelbyville, in Shelby county, thence to Edinburgh in Johnson county, be, and the same is hereby established as a public highway; and that Merry M'Guire and Calvin Kinsley of Shelby county, and George Julian of Rush county, be, and they are hereby appointed commissioners to locate the same.

From Rushville to Edinburgh.

Com'rs.

SEC. 3. That a road from Troy in Perry county, leading through Spencer and Dubois, to Hindostan in Martin county, be, and the same is hereby established as a public highway; and Ephraim Comming of Perry county, John Hill of Dubois county, and Joseph Clements of Martin county, are appointed commissioners to locate the same.

From Troy to Hindostan.

SEC. 4. The commissioners on the road leading from Stipp's hill in Franklin county, to Drake's mill in Shelby county, and further as above provided, shall meet at Conway's store in Decatur county. The commissioners on the road from Rushville, by Shelbyville to Edinburgh, shall meet in Rushville; and the commissioners on the road from Troy to Hindostan, shall meet in the town of Hindostan.

Places where com'rs shall meet.

SEC. 5. The said several commissioners shall meet at the several points designated, on the first Monday in June, or as soon thereafter as they or a majority of them may agree, and after being duly sworn, shall proceed to view, lay out and mark routes for the said roads, on the best ground and in the most direct line between the points respectively designated; and on the completion thereof, they shall report such location to the boards of justices of the several counties, through which the same may pass. And the said boards, shall, at their first session thereafter, have said reports spread on their records, and appoint supervisors to open the same, with their hands as allowed them, as other roads are opened.

Time of meeting.

Duties of commissioners.

SEC. 6. The said commissioners shall receive one dollar per day, for every day by them necessarily occupied in discharging the duties herein prescribed, to be paid out of the several county treasuries, in proportion to the length of the road in each respective county.

Their compensation.

SEC. 7. *Be it further enacted*, That Daniel Boaz and Absalom Lowe of Johnson county, and David E. Allen of Morgan county, are hereby appointed commissioners to locate a state road, on the nearest and best ground practicable, from the Bluffs on White River, in Morgan county, to Jackson's salt works in Monroe county. Said commissioners, or a majority of them, shall meet at the house of said Allen, on the first Monday in May next, and after taking an oath for the faithful discharge of their duties, shall proceed to the performance thereof. And they shall file a plat of said road when completed, in the office of the recorder of Morgan county, whose duty it shall be to file and record the same; and said road, when so located, shall be and remain a public highway: *Provided*, such commissioners shall receive no compensation for such services.

This act to be in force, from and after its passage.

#### CHAPTER LXIV.

An Act to amend the act entitled, "An act to authorize the location of certain state roads"—Approved, January 31, 1824.

[APPROVED—JANUARY 21, 1826.]

Com'rs named.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That John Gray, John Dawson, and Isaac Caldwell of Dearborn county, and John Shaw of Franklin county, are appointed commissioners to view, locate and mark a road from Lawrenceburgh in Dearborn county, to Brookville in Franklin county.

Their duties.

SEC. 2. The said commissioners shall meet at Lawrenceburgh, on the first Monday in May next, or as soon thereafter as a majority of them may appoint, and proceed to view, locate and mark said road, in the same manner, and under the same provisions and restrictions, as are provided in the act to which this is an amendment.

#### CHAPTER LXV.

An Act in addition to the act entitled, "An act authorizing the laying off certain state roads in this state, and appropriating one hundred thousand dollars of the fund commonly called the three per cent. fund for opening the said roads"—Approved, Dec. 31, 1821.

[APPROVED—JANUARY 21, 1826.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That a road from Fredonia to Troy, thence to

Rockport, thence to Mount-Prospect, thence to Evansville, thence to Mount-Vernon, thence to the Wabash river, in the nearest and best direction towards Shawneetown, be, and the same is hereby established; in length one hundred and fifty miles, to be opened not exceeding twenty feet in width, in such manner as the commissioners of said road shall direct, and when opened, shall be upon the same footing with the other state roads established by the act to which this is an addition; and that the sum of one thousand dollars, out of the money appropriated by the act to which this is an addition, to the several roads south of White river and west of the meridian road which runs through Corydon, be, and the same is hereby appropriated to the opening of said road.

Appropriation.

SEC. 2. That Paul Castleberry of Posey county, John Williams of Warrick county, and Reuben Bates of Perry county, be, and they are hereby appointed commissioners on said road; whose duty it shall be to meet at Fredonia on the first Monday in June next, or at some day thereafter to be by them, or a majority of them appointed; and whose compensation shall be the same with that of the road commissioners appointed by the act to which this is an addition.

Com'rs named and their duties.

SEC. 3. That the agent of the three per cent. fund, be, and he is hereby authorized to pay the money in this act appropriated, according to the rules and regulations prescribed by the act to which this is an addition, for the payment of similar appropriations; and that the said commissioners, and undertakers of the road, the clerks of the circuit courts and courts doing county business, of the proper counties, and all other persons concerned, shall respectively have the same powers, and be subject to the same regulations and restrictions as are prescribed by the act to which this is an addition: *Provided however*, That the money herein appropriated, shall, under the direction of the commissioners, be applied to the construction of bridges across the principal streams that said road shall cross, except so much thereof as will lay off and mark the same.

Agent 3 per cent. fund to pay certain monies.

Bridges.

To be in force from and after its passage.

#### CHAPTER LXVI.

An Act for the better improvement of the state road from Indianapolis to Rushville.

[APPROVED—JANUARY 20, 1826.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That Ashbel Stone of the county of Shelby, be,

Commissioner. and he is hereby appointed a commissioner for that section of the state road leading from Indianapolis, to the Ohio line, *via* Brookville, and to the Ohio line, *via* Connersville, which lies between the junction of said roads at Rushville and the town of Indianapolis, with the same powers and authority that are given to the several boards of commissioners named in an act entitled, "An act authorizing the laying off certain state roads in this state, and appropriating one hundred thousand dollars of the fund commonly called the three per cent. fund, for opening the said roads"—approved, December 31, 1821.

His duties. SEC. 2. Previously to entering upon the duties of his appointment, it shall be the duty of the said commissioner to take an oath, and to execute a bond, with sufficient security, agreeably to the above mentioned act, and shall be governed in the discharge of the duties of his office, in all respects agreeably to the provisions of said act.

Agent 3 per cent. fund to retain \$500 for road, and SEC. 3. It shall be the duty of the agent of the three per cent. fund, to retain in his hands for the use of the said section of road lying between Indianapolis and Rushville aforesaid, five hundred dollars, out of the amount appropriated by the aforesaid act, to the location and opening of the state road leading from the Ohio line, *via* Connersville, to intersect the state road leading from the Ohio line, *via* Brookville to Indianapolis, at Rushville; and also, five hundred dollars out of the amount appropriated as aforesaid, to the location and opening of a state road from the Ohio line, by Brookville to Indianapolis: And it shall be the duty of the said agent, to pay over to Ashbel Stone, commissioner as aforesaid, the amount of one thousand dollars retained in his hands from the two before mentioned roads, or his order agreeably to the provisions of the aforesaid act: *Provided*, That all contracts for opening or improving the aforesaid road, which have already been made, and all damages now assessed on said roads, shall be first paid by said agent: And it shall be the duty of the boards of commissioners on each of the aforesaid roads, to transmit to the said agent, a true statement of all sums which may be due on contracts already made, or damages already assessed in their respective roads: *And provided*, nothing herein, shall be so construed as to affect any contract entered into prior to the 15th day of January 1826.

Former commissioners discharged. SEC. 4. That the commissioners on the two roads aforesaid, be and they are hereby discharged from all duties which have heretofore been imposed on them, as commissioners of the aforesaid section of road, lying between Indianapolis and Rushville.

Compensation to com'r. SEC. 5. That the said Ashbel Stone, commissioner as aforesaid, shall receive for his services, one dollar per day, to be paid in the same manner as is by law provided for the

compensation for the several boards of commissioners aforesaid.

This act to be in force from and after its passage.

## CHAPTER LXVII.

An Act authorizing the leasing of Royce's Lick reserve.

[APPROVED—JANUARY 20, 1826.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That John E. Clark of the county of Washington, be, and he is hereby appointed superintendent of section number fifteen, in township two north, of range four east, commonly known by the name of Royce's Lick reserve. Superintendent named.

SEC. 2. Said superintendent shall, before entering on the duties of his said appointment, give bond to the state of Indiana, with security to be approved by the clerk of the circuit court of Washington county, conditioned for the faithful performance of the duties of his trust, and for the paying over all such monies as may come to his hands in consequence of his said appointment, at such times, and in such manner, as required by the provisions of this act, and any acts that may hereafter be passed in relation thereto. To give bond.

SEC. 3. Said superintendent shall have power to lease, His powers and duties. by quarter sections, for the term of ten years, the reservation for which he is appointed, in such manner as may to him seem best for the interest of the state, and for the best price that can be had in cash for the same, to be paid annually on the first day of March; for which purpose, said superintendent shall give notice, by putting up advertisements, at least at five of the most public places in the neighborhood, for the space of thirty days, that he will, on some day certain in the month of March, offer to the best bidder, the use of such portions of said section, as he may determine to lease for ten years, stating the condition of such lease: And it shall be the duty of the superintendent, to take of the lessee or lessees, bond and security for the faithful performance of the stipulations of their respective contracts, which shall provide for the due payment of the rent, for preventing the waste of timber, and for a peaceable surrender of the premises leased at the end of the term.

SEC. 4. It shall be the duty of said superintendent, to Further duties pay over to the state treasurer, the instalments received from such lessees, on the first Monday of December annually, until the whole be paid over, taking the treasurer's receipt.

Provision for  
vacancy in  
the office of  
superintend-  
ent.

SEC. 5. In case of the refusal of the superintendent hereby appointed, to accept of the appointment, and give bond as prescribed herein, or in case of the death, removal or resignation of such superintendent, or of any successor to him, the circuit court of the county of Washington, shall, at their next session, fill such vacancy by appointment; and the person so appointed, shall be governed in all respects, as provided in this act.

Compensa-  
tion to super-  
intendent.

SEC. 6. The circuit court of the county of Washington, shall make such allowance to the superintendent of the reserve above named, for his services, as they may deem reasonable; which allowance shall be certified by the clerk of such court to the auditor of public accounts, who shall thereupon, issue a warrant on the state treasury, for the payment of such allowance; which shall be paid out of the amount in the treasury, arising from the leasing of the reserve herein named.

This act to take effect from and after its passage.

## CHAPTER LXVIII.

An Act supplemental to an act passed at the present session, entitled,  
"An act authorizing the leasing of Royce's Lick reserve..

[APPROVED—JANUARY 21, 1826.]

*Be it enacted by the General Assembly of the State of Indiana,* That John E. Clark, who is appointed superintendent of Royce's Lick reserve, by the act to which this is supplemental, be, and he is hereby appointed superintendent of the reserved section in township three north, of range four east, in Washington county, commonly called the Rock Lick Saline Reserve; and the same requisitions, as to bond, and as to duties in leasing and every other respect, made on the said superintendent, by the act to which this is supplemental; and the power given to the circuit court of the county of Washington by said act, relative to filling vacancies in said office of superintendent, and as to making suitable allowance for service, and all other provisions of the said act, are hereby declared to have full and equal reference in every respect, under this act, to the appointment hereby made of superintendent of the Rock Lick saline reserve.

This act to be in force from its passage.

Superintend-  
ent for Rock  
Lick Saline  
named.

His powers,  
duties and  
compensa-  
tion.

## CHAPTER LXIX.

An Act concerning Salt Springs in Orange county.

[APPROVED—JANUARY 20, 1826.]

*Be it enacted by the General Assembly of the State of Indiana,* That Thomas F. Chapman, of Orange county, be, and he is hereby authorized and empowered, to employ, and contract with a suitable person to bore for salt water, at or near the salt spring, called the French Lick, on the lands reserved for salt springs in Orange county, upon the condition and understanding, that the person so employed, shall bore a depth not exceeding two hundred feet, with a diameter of at least two and a half inches; and on the completion of the boring aforesaid, the said Thomas F. Chapman is hereby authorized to draw on the treasurer of state, in favor of the person so employed, for the amount thereof, which shall not exceed two dollars and fifty cents for each perpendicular foot so bored, as a full compensation therefor; said draft of the said Thomas F. Chapman, the auditor of public accounts is hereby authorized to audit, and the treasurer of state to pay, out of any monies in the treasury not otherwise appropriated.

Superintend-  
ent for French  
Lick named,  
and a con-  
tract for bor-  
ing authoriz-  
ed.

Mode of meet-  
ing expendi-  
ture.

This act to take effect from and after its passage.

## CHAPTER LXX.

An Act to authorize the qualified voters of the first School District in Clark's Grant to elect a Trustee.

(APPROVED—JANUARY 20, 1826.)

*Be it enacted by the General Assembly of the State of Indiana,* That it shall be lawful for the qualified voters of the first school district in Clark's Grant, to meet on the first Monday in April next, at the usual place of holding elections in the township of Jeffersonville, in the county of Clark, and then and there elect by ballot, some suitable person, resident in said district, as a trustee; and that the inspector of elections in said township with two assistants and a clerk, to be chosen by him, shall, under their oath, hold and make return of said election to the clerk's office of the Clark circuit court, within six days thereafter; and the trustee so elected, shall give bond in like manner as is provided in the act entitled, "an act to establish a board of trustees for the promotion of schools and education in Clark's Grant," and hold his appointment until a successor is qualified.

Trustee for  
first district to  
be elected.

This act to take effect from and after its publication in a newspaper in Clark county.

## CHAPTER LXXI.

An Act requiring the Secretary of State to procure a Letter Book for the use of the State.

[APPROVED—DECEMBER 22, 1825.]

*Be it enacted by the General Assembly of the State of Indiana,* That the secretary of state be, and he is hereby required to procure for the use of the state, a book, in which it shall be the duty of the secretary of state, for the time being, to keep copies of all official letters and correspondence, to and from the executive department of this state.

This act to be in force from and after its passage.

Sec'y of state  
to keep a let-  
ter book.

## CHAPTER LXXII.

An Act to amend the act entitled "An act to establish Seats of Justice in new counties"—Approved, January 14, 1824.

[APPROVED—DECEMBER 19, 1825.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That so much of the act to which this is an amendment, as authorizes the commissioners appointed to locate the seat of justice of any new county, to take into their consideration, in the location of the seat of justice in such county, the probability of a future division thereof, be, and the same is hereby repealed.

Repeal.

Com'rs to  
take addition-  
al oath.

SEC. 2. All commissioners hereafter to be appointed under the act to which this is an amendment, shall, in addition to the oath required of them by the first section of that act, take an oath that they do not hold or possess any interest, direct or indirect in the soil of said county.

This act to be in force from and after its passage.

## CHAPTER LXXIII.

An Act appointing Commissioners to re-locate the Seat of Justice of Madison county.

(APPROVED—JANUARY 13, 1826.)

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That Benjamin Irwin of Bartholomew county, George Hunt of Wayne county, Lewis Hendricks of Shelby county, Elisha Long of Henry county, and Daniel Heaton of Hamilton county, be, and they are hereby appointed

Com'rs nam-  
ed.

commissioners to re-locate the seat of justice of Madison county. The commissioners above named, shall meet at the house of Moses Pearson in said county, on the first Monday in June next, and shall proceed to locate the seat of justice of said county, under the provisions of the laws regulating the fixing the seats of justice in all new counties hereafter to be laid off. Their duties.

SEC. 2. The circuit and all other courts of said county, shall be holden at the house of the said Moses Pearson until suitable accommodations can be had at the county seat; when all the courts of said county shall be removed thereunto. Courts where  
holden.

SEC. 3. The township line dividing townships eighteen and nineteen north, shall be and form the northern boundary of Madison county. Boundary  
changed.

SEC. 4. All the territory lying north of said line, and not included in that part of Delaware county heretofore attached to the counties of Allen and Randolph, is hereby attached to the county of Hamilton, and shall hereafter be entitled to the same privileges, and be subject to the same taxation and restrictions, as if the said territory formed an integral part of the said county of Hamilton, until the said territory may be separated from said county of Hamilton, by being included in a new county. Country at-  
tached to Ha-  
milton.

SEC. 5. All suits, pleas, plaints, actions at law and suits in chancery, of whatsoever nature or kind, that may be pending within the said county of Madison, shall be carried on to final judgment as if this law had not passed.

SEC. 6. All proceedings had as to the donation made by John Berry and others, to said county, at Andersonstown in said county, are hereby annulled and revoked, and the said donation is hereby returned to the respective original proprietor or proprietors, as if the same had never been granted; and all sales made by the agent of said county, of whatsoever nature or kind, in the disposal of lots or lands donated to the said county heretofore, shall be so far considered annulled that the purchase money paid, and the obligations given by the respective purchasers, shall be returned to them or their legal representatives, with interest on the amount paid, on application; and thereupon, the respective bond or obligation which may have been given to said purchaser, relative to said sale, shall be returned to the said agent. Proceedings  
respecting do-  
nation annul-  
led.

SEC. 7. If any money, collected by said agent, arising from the said donations to said county, has been so disposed of that it cannot be returned, the board of justices of said county, shall direct the payment of the same to be made out of the treasury of the county. Money col-  
lected to be  
refunded.

## CHAPTER LXXIV.

An Act amendatory to an act entitled "An act to locate and establish a Seminary in and for the county of Union"—Approved, February 7, 1825.

[APPROVED—JANUARY 19, 1826.]

Perpetual succession in the office of manager provided for.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That a regular succession in the offices of managers of the Union county seminary, shall be secured by an election at the several townships in the county of Union, on the first Monday in August in each year, when there may be a vacancy then arising, or that has previously taken place; and on the formation of any new township in said county, the qualified voters thereof shall elect a manager in their behalf; and any vacancy which may in anywise occur in the office of manager, between the terms of holding the annual elections, shall be filled by appointment by the board of justices of said county, until the next election; and such manager appointed in pursuance of any of the foregoing provisions, shall be subject to, and governed by the former and present law empowering said managers to act.

Powers of managers.

SEC. 2. The managers of the said Union county seminary, shall be, and they are hereby authorized and empowered to expend and appropriate any of the funds accruing to said seminary by the existing laws of the state, or by gift, grant, donation or otherwise, in erecting such necessary buildings on the site selected under the law to which this is amendatory, as may be requisite for the use and convenience of said seminary; which improvements shall be made by public contracts entered into with the lowest bidder, on a plan to be digested by the managers, after giving at least sixty days written notice, at the usual place of holding elections in the several townships of said county, of the time, place and manner of offering for such contract; for the performance of which, the person contracting shall give bond, with security to be approved by the managers, in such sum as they may direct.

## CHAPTER LXXV.

An Act appointing additional Trustees for the State Seminary in Monroe county, and for other purposes.

(APPROVED—JANUARY 21, 1826.)

Additional trustees named.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That Daniel Rawlings, Edward Bowland and William Marshall, be, and they are hereby appointed additional trustees for the state seminary in Monroe county,

upon their qualifying themselves, and performing the several pre-requisites enjoined by law on the present trustees of said seminary, and to continue in office one year, and until others are appointed and qualified by law.

SEC. 2. The board of trustees of said seminary shall, and they hereby have a discretionary power to remove the present or any subsequent agent of the reserved township of land in Monroe county, and to appoint a successor, who shall be subject to the same duties and pre-requisite qualifications heretofore enjoined by law on such agent.

Trustees empowered to remove the agent.

This act to be in force from and after its passage.

## CHAPTER LXXVI.

An Act authorizing the Board of Justices of Gibson county, to vacate certain Streets and parts of Streets in the town of Princeton, and to vacate the town of Highbanks in Pike county, and Sandersville in Vanderburgh county.

(APPROVED—JANUARY 20, 1826.)

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the board of justices of the county of Gibson, at any regular session, be, and they are hereby authorized to vacate such street or streets, or parts thereof, as to them may seem useless, in the town of Princeton in said county; and upon such vacation, to sell the same through the agent of said county, for the use thereof, either at public or private sale, whose deed shall vest in the purchaser or purchasers, the absolute fee simple in the premises in such deed described.

Streets in Princeton may be vacated.

SEC. 2. That previous to the board of justices aforesaid making such vacation, it shall be satisfactorily proven to them, that notice of such intended application has been given in three of the most public places in said town, at least twenty days: And if it shall appear to said board, by remonstrance or otherwise, that a majority of the citizens residing in said town are opposed to such vacation, in such case the board shall refuse to make an order therefor.

Notice.

Remonstrance.

SEC. 3. That the town of Highbanks in Pike county, and the town of Sandersville in Vanderburgh county, be, and the same are hereby vacated as fully as if the said towns had never been laid out.

Highbanks & Sandersville vacated.

This act to take effect, and be in force from and after its passage.

## CHAPTER LXXVII.

An Act to authorize the several Townships in certain counties herein named, to elect township officers, and for other purposes.

[APPROVED—JANUARY 19, 1826.]

Township officers to be elected.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the qualified voters residing within the several townships of the counties of Switzerland, Franklin and Ripley, shall meet together at the usual places of holding general and township elections, on the first Monday in April next, and annually on the first Monday of April thereafter, for the purpose of electing as many constables in each township as there are justices of the peace within the same, one inspector of elections, one lister, two fence viewers, two overseers of the poor, and as many supervisors of public highways as there are now or may hereafter be allotted to the respective townships, by the proper board of justices.

Mode of qualifying officers so elected.

SEC. 2. The above named officers to have the same qualifications as are required of such officers by the laws now in force. The said elections to be held and conducted in the same manner that general and township elections are now held. The constables and listers bonds to be given to and approved by the clerk of the proper circuit court.

Board of justices to consist of one from each township.

SEC. 3. A board of justices to consist of one from each township in their respective counties, the said justices to serve on said board in rotation, and in alphabetical order, shall meet at the proper court-house on the first Mondays in May, September and January, in each and every year, for the purpose of transacting county business, and continue for three days at each session, if the business require it.

Supervisors to transact all business concerning roads.

SEC. 4. All applications for county roads, and applications for laying out new or altering old cartways, shall be made to the supervisors of public highways in their respective townships, who shall meet at the usual place of holding elections as aforesaid, in their townships, on the first Mondays in February, June and October in each and every year, and when the said supervisors or a majority of them shall meet as aforesaid, they shall attend to the duties aforesaid, and shall be governed in all things relating thereto by the laws now in force. They shall cause the proceedings of each meeting to be made out in writing, and filed within ten days thereafter, in the office of the clerk of the circuit court, who shall copy the same into the book in which the proceedings of the several boards of justices are recorded.

Repeal. Saving as to Ripley.

SEC. 5. All laws and parts of laws now in force, coming within the purview of this act, be, and the same are hereby repealed: *Provided however*, That nothing in this act shall be so construed as to prevent the board of justices of Ripley county, from laying off so much of Laughery creek lying

within said county as is declared navigable, into districts, and appointing supervisors for the same, as by a law passed at the present session of this General Assembly the said board of justices are authorized to do.

This act to be in force from and after its publication in the Indiana Register, and Franklin Repository.

## JOINT RESOLUTIONS.

## CHAPTER LXXVIII.

A Joint Resolution of the General Assembly, relative to the Agent of the three per cent. fund.

[APPROVED—DECEMBER 31, 1825.]

Preamble.

WHEREAS, Christopher Harrison agent of the three per cent. fund, has submitted to this General Assembly, vouchers for monies by him paid to the road commissioners, appointed by an act entitled "an act authorizing the laying off certain state roads in this state, and appropriating one hundred thousand dollars of the fund commonly called the three per cent. fund, for opening said roads"—Approved December 31, 1821; and has requested of this General Assembly a *quietus* for the same: Therefore,

Quietus to be given to Agent 3 per cent. fund.

*Resolved by the General Assembly of the State of Indiana,* That Christopher Harrison, agent of the three per cent. fund, be, and he is hereby discharged and released from any claim on the part of the state, for ten thousand eight hundred and sixty-nine dollars, twenty-one cents, it being the amount for which vouchers have been laid before this General Assembly; and that a certified copy of this resolution, shall be a sufficient *quietus* to said agent for the same.

## CHAPTER LXXIX.

A Joint Resolution of the General Assembly.

[APPROVED—JANUARY 20, 1826.]

Act appointing agent when to take effect.

*Resolved by the General Assembly of the State of Indiana,* That an act passed the present session appointing an Agent of the three per cent. fund, and defining his powers and duties, be in force from and after its passage.

This resolution to take effect and be in force, from and after its passage.

## CHAPTER LXXX.

A Joint Resolution of the General Assembly.

[APPROVED—DECEMBER 19, 1825.]

*Resolved by the General Assembly of the State of Indiana,* That it shall be the duty of the secretary of state, to cause all the statutes of our sister states, that may have been or shall hereafter be received in unbound pamphlets, to be bound in good substantial sheep binding; and it shall further be his duty in all cases hereafter, when statutes are received at his office from our sister states, to reciprocate the courtesy, by sending to the proper department of each state, the acts of the General Assembly, bound or unbound, with the postage paid or unpaid as they may have been received; and that the secretary be authorized to draw on the contingent fund, for the payment of the expenses incurred in carrying this resolution into effect.

Secretary to cause certain binding to be done.

Postage.

Expense.

## CHAPTER LXXXI.

A Joint Resolution of the General Assembly relative to purchasers of public lands.

[APPROVED—JANUARY 13, 1826.]

The General Assembly of the state of Indiana in behalf of her inhabitants, with grateful feelings acknowledge the relief and indulgence, which her citizens have already received from the several very liberal acts, which have been passed by the general government, in aid of the purchasers of public lands, within her jurisdiction, and with a full reliance upon the justice and forbearance of the congress of the United States, with all due deference, beg leave to represent, that many of her people have joyfully embraced the opportunity of taking advantage of an act of congress for the relief of purchasers of public lands prior to the first day of July 1820—approved, 2d March 1821, and the several acts supplementary thereto; but from the scarcity of those funds that are receivable in the land-offices in the western country, and the general want of a circulating medium, and the consequent depression in all kinds of business, and the absence of a market for the produce of the western farmer, it is *becoming manifest* that very many of those who availed themselves of the advantages of the said acts, in extending the time of payment, and who belong to either the second or first class, will unavoidably fail to meet their instalments as they become due, under the provisions of the existing

Preamble.

statutes; and being aware that the last instalment on the second class becomes payable on the 31st day of December 1826: Therefore,

Resolution. *Resolved by the General Assembly of the State of Indiana,* That our senators in congress be instructed, and our representatives requested to use their best endeavors to procure the passage of a law, which will extend the times of payment of the different instalments as they become due, to those who may have filed their acceptance under the existing laws, in as ample a manner, and for as great a period, as the liberality of congress will allow, and to permit all debtors to the United States, who hold certificates for lands purchased, which have been forfeited and remain unsold under the provisions of the acts of congress to avail themselves of the provisions of the first, second and fourth sections of the above mentioned act of the 2d March 1821.

*Resolved,* That our senators and representatives be instructed and requested, to make use of their best exertions to procure the passage of a law to graduate and reduce the price of public lands heretofore offered for sale in the old land districts, agreeably to a memorial of the General Assembly of Indiana, adopted at their January session in 1824.

*Resolved,* That his Excellency, the Governor, be requested to forward a copy of the foregoing preamble and resolutions to each of our senators and representatives in congress forthwith.

## CHAPTER LXXXII.

A Joint Resolution of the General Assembly.  
(APPROVED—JANUARY 21, 1826.)

Office clerk  
S. C.

*Resolved by the General Assembly of the State of Indiana,* That the clerk of the supreme court, be, and he is hereby authorized to occupy as an office, the south west chamber on the second floor in the court house in the town of Indianapolis, until a suitable office shall be built by the state.

This resolution to take effect from its passage.

## CHAPTER LXXXIII.

A Joint Resolution for the benefit of the securities of Martin H. Tucker, deceased.

[APPROVED—JANUARY 20, 1826.]

*Resolved by the General Assembly of the State of Indiana,* That the prosecuting attorney of the fourth judicial circuit, be, and he is hereby authorized and required to liquidate and allow all the legal set-offs and credits, that the securities and legal representatives of Martin H. Tucker, late sheriff of Crawford county, are of right entitled to, and to credit the same on a judgment now remaining in the Crawford circuit court, against them for a part of the revenue due the state, from the said county of Crawford for the year 1822, giving the said securities further time, until the fourth Monday in September next, to complete said payments, and shall proceed forthwith to collect such part of the revenue of said county, for the year 1822, as has been received by any attorney on the part of the state which has not been paid over to the treasurer: *Provided,* That six per cent. interest, shall be all the damages that shall be exacted on said judgment, the ten per cent. required by any law of this state, to the contrary notwithstanding.

Prosecutor  
4th circuit to  
allow certain  
credits.

Damages re-  
mitted.

## CHAPTER LXXXIV.

A Joint Resolution explanatory of an act requiring the secretary of state to procure a letter book for the use of the state.

[APPROVED—JANUARY 20, 1826.]

*Resolved by the General Assembly of the State of Indiana,* That the act passed at the present session requiring the secretary of state to procure a letter book for the use of the state, shall not be so construed as to require a record to be kept, of all communications to or from the executive department, but of such only as may be selected for that purpose by the Governor, secretary of state, auditor of public accounts and treasurer of state, or a majority of them.

Executive  
officers to se-  
lect letters for  
record.

*Resolved further,* That all communications of an official and public nature, addressed to, and copies of all like communications from the Executive department, shall be submitted to the officers above named, that the selection above required may be made.

## CHAPTER LXXXV.

A Joint Resolution of the General Assembly respecting the court-house of Marion county.

[APPROVED—JANUARY 20, 1826.]

*Resolved by the General Assembly of the State of Indiana,* That the board doing county business for the county of Marion, shall not be authorized to exact or receive office rent for the room now occupied in the court house by the secretary of state, for and during the period for which the court-house is by law reserved for the use of the state, and that said board shall not collect any rents from the said secretary and agent of state for the time said officers have occupied said rooms.

No rent to be exacted by board of justices.

## CHAPTER LXXXVI.

A Joint Resolution of the General Assembly and accompanying memorial to the Congress of the United States, on the subject of procuring a further extinguishment of the Indian title to certain lands within this state.

[APPROVED—JANUARY 21, 1826.]

*To the Honorable the Senate and the House of Representatives of the United States of America, in Congress assembled:* Your memorialists, the General Assembly of the state of Indiana, acknowledging with gratitude the numerous beneficial provisions, that have already been made by your honorable body, for this state and its citizens, and labouring under the influence of the most lively hope, that the operation of all the public measures of these United States in both their federative and individual character, may tend to the ultimate and permanent advantage and honor of our common country, would beg leave respectfully to state, that they, your memorialists most cordially approve of the spirit so strongly manifested by the general government and by some of the individual states, in favour of internal improvements, a subject of vital importance to the interests of the people of this confederacy, and in the encouragement of which, the wealth and prosperity of a nation in a great measure depend.

Amongst the various contemplated improvements of this description, deemed of material importance, and of great public advantage in affording facility for the transportation of troops, munitions of war &c., and for the speedy and extensive diffusion of intelligence, but few are presented to our view, so well calculated to insure extensive, permanent

Memorial.

and certain public and individual advantage, and capable of completion at so inconsiderable an expense, as the proposed connection of the waters of the Wabash with those of the Miami of Lake Erie. Your memorialists view the act of your honourable body of 1824, authorizing a grant of certain lands and privileges to this state, to aid in this useful public improvement, as the result of a firm conviction of the practicability and general utility of the work, and as the evidence of a liberal disposition towards this state. They would however, beg leave to remind your honourable body, that grant was coupled with certain conditions and restrictions, with which this state must comply in order to avail herself of the proffered bounty of the general government, one of these conditions related to the time within which, certain steps were to be taken by this state; your memorialists would also beg leave to suggest that they believe a further grant of lands contiguous to the route of the canal, by which the proposed connection of said waters is to be effected, is necessary to the success of the undertaking, and may be made with advantage both to the United States and this state, inasmuch as the construction of such a canal would unquestionably enhance the value of the waste, unsold lands of the former, through or near which it might be located: that part of the lands through which such canal must pass, is still claimed by the Indians, upon whose soil or jurisdiction, it might not be desirable or politic to enter or encroach, and an extinguishment of whose title ought therefore to be effected, and that the restriction in regard to time above alluded to ought to be removed. Your memorialists would therefore respectfully request your honourable body again to take into your consideration the above subjects, and adopt such measures in relation thereto, as may be best calculated, speedily and certainly, to effect the desirable objects above named.

*Resolved by the General Assembly of the State of Indiana,* That our Senators in Congress be instructed, and our Representatives requested, to use their best exertions to procure the extinguishment of the Indian title to the lands through which a canal to connect the waters of the Wabash and Miami of Lake Erie, as contemplated by an act of Congress of 1824, and spoken of in an accompanying memorial of this General Assembly, may pass: and also to procure a revision or amendment of that act, and to effect the other objects contemplated in said memorial.

*Resolved,* That his Excellency the Governor of this state, cause to be forwarded to each of our said senators and representatives in Congress a copy of these resolutions and of said memorial immediately.

Resolution.

## CHAPTER LXXXVII.

A Joint Resolution disapproving the amendment proposed by the State of Tennessee to the Constitution of the United States.

[APPROVED—JANUARY 20, 1826.]

*Resolved by the General Assembly of the State of Indiana,* That it is inexpedient to make the amendment to the constitution of the United States, on the subject of electing President and Vice-President of the United States, as proposed in the resolution of the General Assembly of the state of Tennessee, passed November 25th, 1825, and that this General Assembly do hereby disapprove of the same.

*Resolved,* That this General Assembly do also disapprove of the amendment of the constitution of the United States, as proposed by the resolutions of the General Assembly of Tennessee aforesaid, providing that no member of congress shall be eligible to any office within the gift or nomination of the President of the United States, during the period for which he shall have been elected and for six months thereafter, except appointments in the regular army or navy of the United States.

*Resolved,* That his Excellency the Governor, be, and he is hereby requested to transmit a copy of the foregoing resolutions to the Governors of the different states, and to each of our senators and representatives in congress.

## CHAPTER LXXXVIII.

A Joint Resolution providing for publishing with the acts of the General Assembly at the present session, the laws of the United States relative to the naturalization of Aliens.

[APPROVED—JANUARY 20, 1826.]

*Resolved by the General Assembly of the State of Indiana,* That the secretary of state be, and he is hereby required to furnish the public printer with a copy of all the acts of congress now in force, relative to the naturalization of aliens; as soon as practicable; and that it shall be the duty of the public printer, to publish the same with the acts of the General Assembly of the present session.

Tennessee  
resolutions  
disapproved.

Laws of nat-  
uralization to  
be published.

## CHAPTER LXXXIX.

A Joint Resolution respecting the Agent of the State at Indianapolis.

(APPROVED—JANUARY 20, 1826.)

*Resolved by the General Assembly of the State of Indiana,* That the agent of the state for the affairs of Indianapolis, be, and he is hereby required to procure the necessary books, in which to enter in the form of double entry, a detailed account of all monies which have or may be received on account of sales of lots, and all other sources from which money has or may be received, together with the disposition made of such fund, whether by appropriation or otherwise: and it is further made the duty of said agent to procure and preserve a copy of all papers in any manner connected with said agency, and file the same in his office.

## APPENDIX.

## CHAPTER XC.

An Act to establish an uniform rule of naturalization, and to repeal the acts heretofore passed on that subject.

[APPROVED—APRIL 14, 1802.]

SEC. 1. *Be it enacted by the senate and house of representatives of the United States of America in congress assembled,* That any alien, being a free white person, may be admitted to become a citizen of the United States, or any of them, on the following conditions, and not otherwise:

*First:* That he shall have declared, on oath or affirmation, before the supreme, superior, district or circuit court, of some one of the states, or of the territorial districts of the United States, or a circuit or district court of the United States, three years, at least, before his admission, that it was, bona fide, his intention to become a citizen of the United States, and to renounce forever all allegiance and fidelity to any foreign prince, potentate, state or sovereignty whatever, and particularly, by name, the prince, potentate, state or sovereignty, whereof such alien, may at the time, be a citizen or subject.\*

*Secondly:* That he shall, at the time of his application to be admitted, declare, on oath or affirmation, before some one of the courts aforesaid, that he will support the constitution of the United States, and that he doth absolutely and entirely renounce and abjure all allegiance and fidelity to every foreign prince, potentate, state or sovereignty, whatever, and particularly by name, the prince, potentate, state or sovereignty, whereof he was before a citizen or subject; which proceedings shall be recorded by the clerk of the court.

*Thirdly:* That the court admitting such alien shall be satisfied that he has resided within the United States five years, at least, and within the state or territory where such court is at the time held, one year at least; and it shall further appear to their satisfaction, that, during that time, he has behaved as a man of a good moral character, attached to the principles of the constitution of the United States, and well disposed to the good order and happiness of the same: *Provided,* That the oath of the applicant shall, in no case be allowed to prove his residence.

*Fourthly:* That in case the alien, applying to be admitted to citizenship, shall have borne any hereditary title, or

been of any of the orders of nobility, in the kingdom or state from which he came, he shall, in addition to the above requisites, make an express renunciation of his title or order of nobility, in the court to which his application shall be made, which renunciation shall be recorded in the said court: *Provided,* That no alien, who shall be a native citizen, denizen, or subject, of any country, state, or sovereign, with whom the United States shall be at war, at the time of his application, shall be then admitted to be a citizen of the United States: *Provided, also,* That any alien who was residing within the limits, and under the jurisdiction of the United States, before the twenty-ninth day of January, one thousand seven hundred and ninety-five, may be admitted to become a citizen, on due proof made to some one of the courts aforesaid, that he has resided two years, at least, within and under the jurisdiction of the United States, and one year, at least, immediately preceding his application, within the state or territory where such court is at the time held; and on his declaring on oath, or affirmation, that he will support the constitution of the United States, and that he doth absolutely and entirely renounce and abjure all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty, whatever, and particularly by name, the prince, potentate, state, or sovereignty, whereof he was before a citizen or subject; and, moreover, on its appearing to the satisfaction of the court, that, during the said term of two years, he has behaved as a man of good moral character, attached to the constitution of the United States, and well disposed to the good order and happiness of the same; and where the alien, applying for admission to citizenship, shall have borne any hereditary title, or been of any of the orders of nobility in the kingdom or state from which he came, on his moreover making in the court an express renunciation of his title or order of nobility, before he shall be entitled to such admission: all of which proceedings, required in this proviso to be performed in the court, shall be recorded by the clerk thereof: *And provided, also,* That any alien who was residing within the limits, and under the jurisdiction, of the United States, at any time between the said twenty-ninth day of January, one thousand seven hundred and ninety-five, and the eighteenth day of June, one thousand seven hundred and ninety-eight, may, within two years after the passing of this act, be admitted to become a citizen, without a compliance with the first condition above specified.

SEC. 2. *Provided also, and be it further enacted,* That in addition to the directions aforesaid, all free white persons, being aliens, who may arrive in the United States after the passing of this act, shall, in order to become citizens of the United States, make registry, and obtain certificates, in the

lien to be satisfied that he has resided 5 years within the U. States. Proviso; oath of applicant not allowed to prove his residence.

Alien to renounce title of nobility, &c. No alien to be admitted when at war with the U. S. [See act 30th July, 1813; chap. 564, vol. 4.]

Aliens residing in the U. S. before the 29th Jan. 1795 admitted on conditions mentioned.

Proceedings recorded. Aliens admitted without complying with the first condition of this act.

Aliens must in order to become citizens obtain certificates.

Any free white alien may become a citizen on the conditions mentioned, &c.

Alien to declare on oath, before one of the courts mentioned, 3 years before admission, his intention to become a citizen, renounce allegiance to any foreign prince, &c.

[\*See additional act of 24th March, 1804, chap. 400 post. and act of 30th July, 1813, chap. 564, vol. 4.]

At the time of application to be admitted, the alien to declare, on oath, that he will support the constitution, and that he absolutely renounces all allegiance to any foreign prince, &c. Proceedings to be recorded by the clerk of the court.

The court admitting the a-

following manner, to wit: every person desirous of being naturalized shall, if of the age of twenty-one years, make report of himself; or if under the age of twenty-one years, or held in service, shall be reported by his parent, guardian, master, or mistress, to the clerk of the district court of the district where such alien or aliens shall arrive, or to some other court of record of the United States, or of either of the territorial districts of the same, or of a particular state; and such report shall ascertain the name, birth place, age, nation and allegiance, of each alien, together with the country whence he or she migrated, and the place of his or her intended settlement: and it shall be the duty of such clerk, on receiving such report, to record the same in his office, and to grant to the person making such report, and to each individual concerned therein, whenever he shall be required, a certificate, under his hand and seal of office, of such report and registry; and for receiving and registering each report of an individual or family, he shall receive fifty cents; and for each certificate, granted pursuant to this act, to an individual or family, fifty cents; and such certificate shall be exhibited to the court by every alien who may arrive in the United States, after the passing of this act, on his application to be naturalized, as evidence of the time of his arrival within the United States.

SEC. 3. *And whereas*, doubts have arisen whether certain courts of record, in some of the states, are included within the description of district or circuit courts; *Be it further enacted*, That every court of record, in any individual state, having common law jurisdiction, and a seal, and clerk or prothonotary, shall be considered as a district court within the meaning of this act; and every alien, who may have been naturalized in any such court, shall enjoy, from and after the passing of the act, the same rights and privileges, as if he had been naturalized in a district or circuit court of the United States.

SEC. 4. *And be it further enacted*, That the children of persons duly naturalized under any of the laws of the United States, or who, previous to the passing of any law on that subject by the government of the United States, may have become citizens of any one of the said states, under the laws thereof, being under the age of twenty-one years, at the time of their parent's being so naturalized or admitted to the rights of citizenship, shall, if dwelling in the United States, be considered as citizens of the United States; and the children of persons who now are, or have been, citizens of the United States, shall, though born out of the limits and jurisdiction of the United States, be considered as citizens of the United States: *Provided*, That the right of citizenship shall not descend to persons whose fathers have never resided within the United States: *Provided also*, That

Clerks fee for registering report, &c. of aliens. Certificate to be exhibited to the court.

Every court having common law jurisdiction, to be considered as a district court for the purpose of naturalization.

Children of persons duly naturalized to be considered as citizens.

Children of citizens, born out of U. S. considered as citizens. *Proviso.*

no person heretofore proscribed by any state, or who has been legally convicted of having joined the army of Great Britain during the late war, shall be admitted a citizen, as aforesaid, without the consent of the legislature of the state in which such person was proscribed.

SEC. 5. *And be it further enacted*, That all acts heretofore passed respecting naturalization, be, and the same are hereby, repealed.\*

All former acts respecting naturalization, repealed. (\*See ante, chap. 71.)

## CHAPTER XCI.

An Act in addition to an act, entitled "An act to establish an uniform rule of naturalization; and to repeal the acts heretofore passed on that subject."†

(APPROVED—MARCH 26, 1804.)

SEC. 1. *Be it enacted by the senate and house of representatives of the United States of America in congress assembled*, That any alien, being a free white person, who was residing within the limits, and under the jurisdiction of the United States, at any time between the eighteenth day of June, one thousand seven hundred and ninety-eight, and the fourteenth day of April, one thousand eight hundred and two, and who has continued to reside within the same, may be admitted to become a citizen of the United States, without a compliance with the first condition specified in the first section of the act, entitled "An act to establish an uniform rule of naturalization, and to repeal the acts heretofore passed on that subject."‡

(†See original act of 14th April, 1802; ante, chap. 238, page 475.)

Any free white alien, resident in the U. S. between the 18th June, 1798, and the 14th April, 1802, &c. may become a citizen without complying with the conditions referred to.

SEC. 2. *And be it further enacted*, That when any alien, who shall have complied with the first condition specified in the first section of the said original act, and who shall have pursued the directions prescribed in the second section of the said act, may die, before he is actually naturalized, the widow and the children of such alien shall be considered as citizens of the United States; and shall be entitled to all rights and privileges as such, upon taking the oaths prescribed by law.

[Ante, chap. 238.] Aliens who have complied with the first condition the widow &c. to be considered as citizens.

## CHAPTER XCII.

An Act supplementary to the acts heretofore passed on the subject of an uniform rule of naturalization.

[APPROVED—JULY 30, 1813.]

SEC. 1. *Be it enacted by the senate and house of representatives of the United States of America in congress assembled*, That persons resident within the United States, or the ter-

Persons resident in the U. S. on the 18th June, 1812, & before that day had made a declaration, may be admitted.

Proviso:

ritories thereof, on the eighteenth day of June, in the year one thousand eight hundred and twelve, who had, before that day, made a declaration, according to law, of their intentions to become citizens of the United States, or who, by the existing laws of the United States, were on that day, entitled to become citizens without making such declaration, may be admitted to become citizens thereof, notwithstanding they shall be alien enemies, at the times and in the manner prescribed by the laws heretofore passed on that subject: *Provided*. That nothing herein contained shall be taken or construed to interfere with, or prevent the apprehension and removal, agreeably to law, of any alien enemy at any time previous to the actual naturalization of such alien.

### CHAPTER XCIII.

An Act in further addition to "An act to establish an uniform rule of Naturalization, and to repeal the acts heretofore passed on that subject.

[APPROVED—MAY 26, 1824.]

Conditions on which an alien, being a free white person and a minor, may become a citizen of the U. States.

Proviso.

No certificate of citizenship or naturalization heretofore obtained

SEC. 1. *Be it enacted by the senate and house of representatives of the United States of America in congress assembled*, That any alien, being a free white person and a minor, under the age of twenty-one years, who shall have resided in the United States three years next preceding his arriving at the age of twenty-one years, and who shall have continued to reside therein to the time he may make application to be admitted a citizen thereof, may, after he arrives at the age of twenty-one years, and after he shall have resided five years within the United States, including the three years of his minority, be admitted a citizen of the United States, without having made the declaration required in the first condition of the first section of the act to which this is in addition, three years previous to his admission: *Provided*, Such alien shall make the declaration required therein at the time of his or her admission; and shall further declare, on oath, and prove to the satisfaction of the Court, that, for three years next preceding, it has been the bona fide intention of such alien to become a citizen of the United States; and shall, in all other respects, comply with the laws in regard to naturalization.

SEC. 2. *And be it further enacted*, That no certificates of citizenship, or naturalization, heretofore obtained from any Court of Record within the United States, shall be deemed invalid, in consequence of an omission to comply with the

requisition of the first section of the act, entitled "An act relative to evidence in cases of naturalization," passed the twenty-second day of March, one thousand eight hundred and sixteen.

SEC. 3. *And be it further enacted*, That the declaration required by the first condition specified in the first section of the act, to which this is in addition, shall, if the same has been bona fide made before the Clerks of either of the Courts in the said condition named, be as valid as if it had been made before the said Courts, respectively.

SEC. 4. *And be it further enacted*, That a declaration by any alien, being a free white person, of his intended application to be admitted a citizen of the United States, made in the manner and form prescribed in the first condition specified in the first section of the act to which this is in addition, two years before his admission, shall be a sufficient compliance with said condition; any thing in the said act, or in any subsequent act, to the contrary notwithstanding.

Declaration required by the 1st section of the former act, to be valid on certain conditions.

A declaration of intention made 2 years before his admission shall be sufficient.

INDIANA, to wit:

I, WILLIAM W. WICK, Secretary of State, certify that I have compared the foregoing Acts and Joint Resolutions of the General Assembly of the state aforesaid, as printed above, with the original rolls on file, and have found the same correct, with the exception of the words printed in italics and included within brackets [*thus*] which words are interpolated by the printer to explain the sense, and make the same more complete.

In testimony whereof, I have hereunto set my hand and affixed my seal, at the secretary's office in Indianapolis, the 15th day of March, in the year of our Lord 1826; the tenth year of the state, and of the independence of the United States the fiftieth.

WM. W. WICK.

# REPORTS

OF THE TREASURER OF STATE AND AUDITOR OF PUBLIC ACCOUNTS, FOR THE YEAR 1825.

## TREASURY DEPARTMENT, } DECEMBER 3, 1825. }

In obedience to the provisions of the act, concerning the Auditor of Public Accounts and the Treasurer of State, the following exhibit of the revenue and expenditure of the state, from the 1st January to the 3d December, 1825, is respectfully submitted.

Amount in the Treasury at the commencement of the above term,	\$26,587 78
During the same the receipts for revenue of 1822, amount to	772 06
“ 1823,	1,205 88
“ 1824,	7,328 96
“ 1825,	6,954 84
From the seminary fund,	325 00
The agent for Indianapolis,	4,890 82
Collections from property not assessed, reported to this office,	103 30
From paymaster of 40th regiment for fines collected of persons conscientiously scrupulous of bearing arms,	7 00
Penalty for delay of payment by collector of Madison,	6 32
Total,	\$48,181 96

The following sums have been paid during the above period:	
For public printing,	964 93
For stationary,	204 87
Interest on treasury notes,	285 93
For contingent expenses,	1,665 28
For expenses of the last Legislature,	6,832 76
“ of Presidential election,	50 32
“ of state prison,	453 61
“ of Seat of Government,	6,023 51
“ of the Judiciary,	3,418 48
“ of the Executive,	1,471 23
“ of Circuit prosecutors,	1,135 00
“ of the Attorney General,	50 00
“ of the Adjutant General,	73 08
This department is entitled to a credit for treasury notes burnt, pursuant to an act of the last Legislature, amounting to	18,541 00
Balance on hand,	7,011 95
	\$48,181 96

# Treasurer's Report.

101.

The following items constitute the state debt:

Outstanding warrants,	691 00
Treasury notes in circulation,	1,459 00
Estimated interest,	120 00
Executive claims not audited,	500 00
Judiciary,	2,275 00
Circuit prosecutors,	437 50
To A. Baddollet, for register and map, &c.	280 62
Claim for printing,	40 00
To U. S. assignees Vincennes bank,	1,873 17
Interest,	440 19
To road and canal fund,	5,000 00
Interest,	1,475 00
Seminary fund,	1,296 96
Interest,	113 18
Frederick Rapp,	5,000 00
Interest,	300 00
	\$21,301 62

There is also due the contractors for building the court house in Indianapolis, to be paid from proceeds of sales of lots,

915 97

The following statement of the assessments and receipts for revenue since the year 1820, while it affords encouraging evidence of the increase of our means, exhibits an alarming increase of delinquency.

Assessments for 1820,	\$14,978 85
“ 1821,	23,048 92
“ 1822,	33,527 88
“ 1823,	37,875 51
“ 1824,	44,445 11
Receipts from same	\$12,344 33
“ “	19,682 35
“ “	26,081 15
“ “	27,434 31
“ “	34,022 26

There will no doubt be further payments on the above, but the amount cannot be considerable.

Pursuant to the provisions of the militia law, returns of fines assessed on persons conscientiously scrupulous of bearing arms have been made to this office from the 8th, 9th, 11th, 19th, 30th, 38th, 40th and 48th Regiments, amounting in the whole to \$332 50. Of this sum only seven dollars have been paid. A revision of the law on this subject is respectfully suggested so far as to compel punctual returns, and to require the collectors instead of the paymaster, to pay the money into the Treasury.

At the last term of the Marion circuit court judgment was obtained against the late Treasurer for the balance in his hands, amounting to \$1,150 78.

I have the honor to be,  
SAMUEL MERRILL, Treas'r State.

AUDITOR'S OFFICE,  
DECEMBER 10, 1825.

The Auditor of Public Accounts, in obedience to an act of the General Assembly, entitled "An act concerning the Auditor of Public Accounts and Treasurer of State," submits the following report, to wit:

There was remaining in the Treasurer's hands, on the 31st Dec., 1824, as per former report, provided all claims audited to that date have been paid, the sum of \$25,381 59

Since the above period to the 3d Dec., 1825 inclusive, there has been received from sundry collectors on account of balances due for 1822, the sum of 772 06

From sundry collectors for balances due for 1823, the sum of 1,205 38

" sundry collectors for the year 1824, the sum of 7,328 96

" sundry collectors for the year 1825, the sum of 6,954 84

From the commissioners of the seminary lands in Gibson county, 325 00

For delinquencies from the counties of Parke, Jackson, Washington, for 1823—from Switzerland for 1820, and Jennings for 1824, amounting in all, to 73 80

From Benjamin I. Blythe, agent at Indianapolis, the sum of 4,890 82

" the paymaster of the 40th regiment for fines collected, 7 00

For unlisted lands for Allen and Union counties, for the years 1824 and 1825, the sum of 29 50

For damages collected from the collector of Madison county for 1824, 6 32

Making in all the sum of \$46,975 77

Since the above periods there has been audited in liquidation of the expenses of the presidential election, the sum of \$10 00

In liquidation of the state prison, the sum of 771 61

In liquidation of the judiciary department, 2,823 00

In liquidation of the last General Assembly, and special appropriations, which come under no general head, 6,638 56

In liquidation of the seat of government, including one thousand dollars paid for building the Treasurer's and Auditor's offices; also four thousand eight hundred and ninety dollars and eighty two cents, paid the commissioners of Marion county towards completing the building of the court-house, the sum of 6,223 51

In liquidation for stationary furnished the last General Assembly, 204 87

In liquidation of the attorney general's salary, 50 00

In liquidation of expenses for circuit prosecutors, 920 50

In liquidation of the executive department including fifty dollars for house rent for the Governor, 1,471 23

In liquidation of militia expenses, 73 08

In liquidation of public printing, the sum of 964 95

In liquidation for interest on treasury notes, 285 93

In liquidation of the contingent expenses, 1,665 28

In addition to the above claims specified, the treasury is entitled to a credit for treasury notes burnt pursuant to an act of the last General Assembly, to the sum of 18,541 00

Making in all, the sum of \$40,643 50

Which deducted from the sum of \$46,975 77 as reported to have been received, will leave a balance in the hands of the Treasurer, provided all the claims audited to this date have been paid, the sum of \$6,332 27

The assessments of all the counties in the state for revenue for the year 1825 amounts to \$40,131 89

Of which the amount assessed for Poll tax amounts to \$18,417 00

For delinquents and unlisted lands for 1825 the following returns have been made:

From the county of Franklin \$107 57; Fayette \$45 47; Wayne \$42 05; Ripley \$81 33; Sullivan \$23 72; Parke \$8 22; Allen \$3 50; Vermillion \$16 96; Monroe \$38 18; Union \$29 00; Crawford \$3 39; making in all the sum of \$399 39

Attempts were made at an early period to procure from the Land offices for this state the maps and registers of the entries of land, as required by the revenue law of the last session. No answer was received to the application to the Register of the Cincinnati land office, and the register at Jeffersonville and Vincennes at first declined engaging on terms that the appropriation of last session would have justified. In June however, a contract was made with the latter for his district, and which was completed in November, and has lately arrived at this office. The registers for the balance of the State are making out at the Surveyor General's office on much more moderate terms than they could be procured elsewhere; they are to be furnished for one dollar twelve and a half cents per township. That for the Cincinnati district arrived a few days since, the balance are expected shortly.

Respectfully submitted,  
WM. H. LILLY, Aud. Pub. Acct's.

# INDEX.

**ABATEMENT**—See practice at law.  
**ADMINISTRATRIX** of Harvey Heth, deceased, authorized to sell real estate, 3  
**ADMINISTRATORS** of John H. Piatt, deceased, -  
 See practice at law.  
**AGENT** at Indianapolis, -  
 See relief, ferry, joint resolution.  
**AGENT** of the three per cent. fund, B. I. Blythe appointed, -  
 his powers and duties, - ib.  
 his compensation, -  
 See also, joint resolution, roads.  
**APPEALS**—See practice at law.  
**APPORTIONMENT** of Senators, of Representatives, -  
**APPROPRIATIONS**, general, -  
 specific, - ib.  
**BOARDS OF JUSTICES**—See navigation, legalized proceedings, roads public, towns.  
**BOUNDARIES OF COUNTIES**, -  
 of Union extended, - 11  
 of Fayette extended, - ib.  
 of Warrick extended, - 12  
 militia within the extension, provided for, - ib.  
 See seats of justice.  
**CLERKS**—See elections, practice at law, poor.  
**CONVEYANCE**—See practice at law.  
**COLLECTORS**—See relief, revenue.  
**COUNTIES, NEW**.  
 Fountain organized, and boundaries defined, - 13  
 Tippecaloe, - 14  
**COURTS CIRCUIT**, -  
 times of holding in Allen, - 16  
 time of holding in the 5th circuit, - ib.  
 length of terms in " " - ib.  
 times of holding in the 1st circuit, - ib.  
 length of terms in " " - 17  
 special term in Switzerland, - ib.  
 See also practice at law, seats of justice.  
**DIVORCES**, libel may be filed and process issue in vacation, - 18  
 temporary orders may be made in vacation, - ib.  
 declared to be a common law proceeding, - ib.  
**ELECTIONS**, mode of contesting election of Governor or Lieut. Governor, 13 to 20  
 mode for return of election of Governor or Lieutenant Governor, 20  
 Duty of clerks respecting the same, and penalty for failure, - ib.  
**ELIZORS**—See practice at law.  
**ESTATES**—See practice at law.  
**FEES**—See practice at law, prosecuting attorneys, revenue.  
**FERRY AT INDIANAPOLIS**, -  
 dwelling house to be built thereat 26  
 duty of the agent concerning the same, 21  
**GUARDIAN**—See practice at law.  
**INCORPORATION** of Cambridge Academy with limitations, - 21  
 of Lawrenceburgh revived and extended, - 22  
 of Salem, - 24  
 of the seminary in Gibson county 27  
 of the seminary in Orange county, 29  
 of the Whitewater Canal Company, ib.  
**INDIANAPOLIS**—See agent, ferry, relief.  
**JUSTICES OF THE PEACE**—See practice at law.  
**LEGALIZED PROCEEDINGS**, of L. Smith, in the marriage of W. Wright, 37  
 of the clerk of the circuit court of Monroe, - ib.  
 of the commissioners of Clay county ib.  
 of the board of justices of Hendricks, 36  
 of the board of justices of Vermillion and Hamilton, - ib.  
 of the trustees of Bartholomew library 39  
 of the school trustees of town 13 in Fayette, - 40  
 of the school trustees of town 2 in Washington, - 41  
 See relief.  
**LIEN**—See practice at law.  
**MILITIA**—See boundaries of Warrick county.  
**MILL DAM**, may be built on White river by Cox, - 41  
**MILLRACE**, may be dug on school section in Wayne, - 42  
**NAMES**, of certain persons changed, - ib.  
**NAVIGATION**, of Blue river, 43  
 of Sugar creek, - ib.  
 of Busserou creek, - 44  
 of Laughery, - ib.  
 of Log Lick, Plumb and Indian creeks, 45  
 of Lick creek and Lost river, 46  
 of Muscatituck, - ib.  
 of Patoka, - 47  
 of White river, east and west branches, ib.  
**POOR**, mode for ascertaining number and expense of, - 49  
**PRACTICE AT LAW**.  
 operation of judgments as liens regulated, - ib.  
 clerk to docket judgments in 30 days, 56  
 his fee therefor and penalty for failure, ib.

## Practice at law.

non-age of the heir, devisee of a judgment debtor, not to suspend execution except for one year, - ib.  
 suits not to abate by death of a co-plaintiff, - ib.  
 estates tail, abolished, - ib.  
 writs of dedimus in chancery and divorce cases, - ib.  
 penalty for not paying money bid at sales upon execution, - ib.  
 resident plaintiffs may be compelled to secure costs, - 51  
 trial at the first term if writ be executed and declaration filed ten days previous thereto, - ib.  
 mode of conveyance upon bonds outstanding against persons deceased, - ib.  
 persons aggrieved by settlement of estates in probate may file bill in chancery, - 52  
 operation of writs of supersedeas restricted, - ib.  
 second supersedeas prohibited 53  
 suit not to abate by marriage of feme sole party - ib.  
 sup. court to make allowances to sheriff &c., - ib.  
 compensation to associate judges, 54  
 elisors may be appointed to execute process &c., - ib.  
 repeal of former provisions—See sections 21 and 22, - ib.  
 justices to file transcripts in appeals, 55  
 executors or administrators shall not be guardians, - ib.  
 remedy against non-resident heirs and devisees, - ib.  
**PRINTING AND DISTRIBUTION** of the laws and journals provided for and the mode prescribed, - 56  
**PROBATE**—See practice at law.  
**PROSECUTING ATTORNEYS**, -  
 mode of appointment changed, 58  
 duty of, in 5th circuit, - ib.  
 to recover \$2 50 only upon plea of guilty, - 59  
**RELIEF**, of collectors of sundry counties extending time for demand, collection and payment and remitting forfeitures ib.  
 of the contractors for building court house at Indianapolis, 60  
 of purchasers of lots in Indianapolis, 61  
 of Barker and Waggoner, 62  
 of Alexander Dick, 63  
 of Jonathan Giford and others, 64  
 of William Reed, 65  
 of William Youse, - ib.  
 of Samuel M'George, - ib.  
 of trustees of school section, town 14 in Fayette, 66  
 of the heirs of Warner, Elizabeth Long and of persons in whose favor damages on account of state roads have been assessed, - ib.  
 of the securities of N. W. Marks, 67

## INDEX.

105

of revolutionary soldiers, 68  
**REPEAL**—See navigation of Lick creek, &c. practice at law, revenue, seats of justice, township officers.  
**REVENUE**, -  
 collectors may appoint deputies, - ib.  
 clerks to publish delinquent list, - ib.  
 delinquent list to be collected, and the mode thereof, 69  
 penalty for refusing to deliver list of property, or delivering a false and fraudulent list, - ib.  
 listers' power to swear persons in listing, repealed, - ib.  
 repeal of requisition to keep distinct rolls of state and county revenue, - ib.  
 sheriffs and collectors (their time being expired) may collect revenue & costs, - ib.  
 fee for advertising restricted, - ib.  
 demand of revenue, mode of, - ib.  
 repeal of poll tax for county purposes, ib.  
**ROADS, PUBLIC**, mode of working in certain counties changed, 70  
 hands to work when required by supervisor, - ib.  
 penalty for failure, - ib.  
 penalties appropriated, - ib.  
 allowance for teams, - ib.  
 notice to hands, - ib.  
 B. justices to assign districts to supervisors, - ib.  
 B. justices may proceed under the former law, - ib.  
**ROADS, STATE**, -  
 from Liberty to Newcastle, 71  
 from Rockport to Boonville, 72  
 from Terre-Haute to Fort Wayne, - ib.  
 from Stipp's hill to Bloomington, 73  
 from Rushville to Edinburgh, - ib.  
 from Troy to Hindostan, - ib.  
 places where com'rs on said roads shall meet, - ib.  
 time of meeting, - ib.  
 duties of the commissioners, - ib.  
 compensation to commissioners, - ib.  
 from the Bluffs to the salt works, 74  
 from Lawrenceburgh to Brookville, - ib.  
 from Fredonia to Troy, Rockport, &c. ib.  
 appropriation therefor, 75  
 commissioners named and their duties ib.  
 agent 3 per cent fund to pay monies for said road, - ib.  
 from Indianapolis to Rushville - ib.  
 commissioner named therefor, 76  
 his powers, - ib.  
 his duties, - ib.  
 agent 3 per cent fund to retain \$500 for said road and pay the same to said commissioner, - ib.  
 former commissioners upon said road discharged, - ib.  
 compensation to commissioner, - ib.  
**SALINES**, -  
 superintendent for Royce's lick named 77  
 his powers and duties - ib.  
 vacancies in the office of superintendent-

- Salines.*  
 ant to be filled, 78  
 compensation to superintendant, ib.  
 superintendant for Rock lick saline named, ib.  
 his powers, duties and compensation, ib.  
 superintendant for French lick named and a contract for boring authorized, 79  
 expenditure in boring provided for, ib.
- SCHOOL IN CLARK'S GRANT, trustee for the first district to be elected, ib.
- SCHOOL SECTIONS—See legalized proceedings.
- SECRETARY OF STATE, to procure letter book and record executive correspondence therein, 80  
 See joint resolutions, printing &c.
- SEATS OF JUSTICE,  
 repeal of provisions of former law authorizing probable future divisions to be considered in fixing, ib.  
 commissioners to take additional oath, ib.  
 commissioners to re-locate S. J. of Madison named and their duties prescribed, 81  
 place of holding courts in Madison, ib.  
 boundary of Madison changed, ib.  
 country attached to Hamilton, ib.  
 proceedings in regard to former location annulled, ib.  
 monies collected under the former arrangement to be returned, ib.
- SEMINARY IN UNION, perpetual succession in the office of manager provided for, 82  
 further powers of managers, ib.
- SEMINARY OF THE STATE, additional trustees named therefor, ib.  
 trustees empowered to remove the agent, 83
- SEMINARY—See incorporation.
- STREETS—See towns.
- SUPERSEDEAS—See practice at law.
- SUPERVISORS—See roads public, navigation.
- TOWNS, certain streets in Princeton may be vacated, ib.  
 High banks and Sandersville vacated, ib.  
 See incorporation.
- TOWNSHIP OFFICERS, to be elected in certain counties, 84  
 mode of qualifying officers so elected, ib.  
 board of justices to consist of one from each township in said certain counties, ib.  
 supervisors in said counties to transact all business concerning roads, ib.  
 repeal, ib.
- TRANSCRIPT—See practice at law.
- VACATION—See towns.
- A JOINT RESOLUTION relative to the agent of the 3 per cent. fund 86  
 additional thereto, ib.  
 respecting the binding and exchange of laws, 87  
 relative to purchasers of public lands, ib.  
 respecting an office for the clerk of Sup. Court, 88  
 for the benefit of Tuckers securities 89  
 explanatory of the act requiring the Sec. of state to procure a letter book, ib.  
 respecting the court house of Marion county, 90  
 relative to the extinguishment of the Indian title to lands in this state, ib.  
 disapproving the amendment proposed by Tennessee to the constitution of the United States, 92  
 providing for the publication of the laws respecting naturalization, ib.  
 respecting the state agent, 93

IND. Ref. 345.1 I385 1826  
Laws of Indiana

